

Ellsworth City Council Meeting 1-10-2022

Meeting Minutes

Dale Hamilton

Call to order the January 10 2022. City council meeting all councilors are present. Pledge of Allegiance. (pledge was said by those in attendance) Counselor O'Halloran.

Steven O'Halloran

Mr. Chairman, I'd like to add, if you can hear me through double masks. Another item on the agenda to deal with an emergency repair for the highway department, truck.

Marc Blanchette

Second.

Dale Hamilton

Motion a second to add an item? All in favor? Unanimous. We will make that item 18. And then move all the other items down one. Thank you. Alright, Rules of Order. The council operates from Robert's Rules of Order and any other rules that are adopted at the annual organizational meeting.

#4- Adoption of Minutes from the meeting of Ellsworth City Council 12/20/2021

Dale Hamilton

Item four adoption of the minutes from the following meeting the 12-20-21 Meeting.

Marc Blanchette

Moved to table Mr. Chairman.

Robert Miller

Second.

Dale Hamilton

Motion and a second. All in favor to table? Unanimous. Item five city manager's report.

#5- City Manager's Report

Glenn Moshier

Thank you. Chair Hamilton. The only thing I have to report tonight is just to let the public know that city hall will be closed on Monday the 17 in observation of a holiday. So make sure you get your business done other than on Monday. That is all I have.

Dale Hamilton

Any questions? No. Item six committee reports. Any counselors attend any committee meetings.

#6 Committee Reports

Casey Hanson

Yep. So I last week, the library funding Committee met on the fourth. And the main purpose of the meeting was to discuss how to address the funding gap created by the city council reducing its appropriation to the library by \$100,000 per year for the past two years. So that means we the city council have cut the funding from public library by 20% in the last two years, so that cut has meant the library has had to cut back on hours and on services. For example, library used to be open some evening hours and it's not anymore. So my understanding I think that is that the city council was hoping that outlying communities whose constituents use the library would increase their funding of the library to make up for that loss. But the outlying towns have not been forthcoming with money. So of approximately \$69,000 requested from some surrounding towns, only about \$18,000 has been received or approved. One way that the library has tried to address the lack of surrounding town support is by charging patrons \$30 a year for a library card. Unfortunately, that's meant that many previous card holders have decided not to renew their library cards. And then one other sort of piece of data is that the library did do a survey of patrons who don't live in Ellsworth and 70% of them say that when they come into the library, they shop at other venues or restaurants. So we spent the meeting discussing options for increasing outside funding, including looking at the state funding options, county funding options continuing to try to encourage collaboration for our surrounding communities. So of course, we're going to discuss funding of the library when we get into budgeting discussions in the spring. My personal opinion from the meeting is that it's a shame that the library has had to cut its services, trying to squeeze money out of outlying communities doesn't seem to be a viable option. And so far, it seems to be alienating people who come into the library, and then spend money at other venues and elsewhere. So charging for library cards will just push those people to go to other towns to use their library and shop in their stores and restaurants. But that's just me. So that's my report.

Dale Hamilton

I guess one question that for the committee, if you don't mind taking it back is I don't know about other counselors, but I've received zero emails, correspondence from anyone saying that the changes in the the hours have been a burden on the community. And so I would like to know exactly what they what information they have that that suggests that has been something that has been unacceptable for the patrons of the library because that's useful information. I personally haven't received anything so that's why I'm asking that question. And then the other question that I would have is the decision to change hours? Did they consider other cost cutting measures besides just cutting hours of operations, and so I've just like some more context behind what has taken place so that the public can hear it as well.

Because it makes it sound like those changes have been creating a lot of hardships. And I just haven't seen any of that.

Casey Hanson

Sounds good. And I just mentioned that was one of the cost cutting measures, because I didn't want to go on and on about all the things that they've tried and done. And again, I think we can talk about that more in the budget meeting time. To me, that was the biggest one that I have noticed. And when I was campaigning and knocking on doors, and people were talking to me about the library, that was the one that constituents brought up to me. So that was why I focused on that there are certainly other things that they're trying to do to increase funding and decrease cost.

Dale Hamilton

Councilor Blanchette, then Counselor Kaplan.

Marc Blanchette

Mr. Chairman, to say that the council created a funding gap is a farce right from the get go. And it isn't fair. We were told by the library staff that they would go to outlying towns and get the difference. And because of COVID and apparently other reasons, they did not do this with all of the towns, the Ellsworth taxpayer, if I remember the numbers, were paying \$78 a head per taxpayer to fund the library. And they were charging the out of town residents \$20 a head, which is very, very unfair to the taxpayer. And for them to tell the new counselor, that is the council's fault that there was a funding gap is also I'll stick with the word unfair? I'll be polite.

Casey Hanson

Okay. They certainly didn't tell me that that was just what I gleaned from the information that they gave me regarding how much the city, the degree, the percentage of the total library budget that the city has agreed to fund since 2004. So it was just a number that I can see it wasn't any kind of agenda that they had.

Michelle Kaplan

From the meeting that I attended. Basically, they've looked at all possible options. As far as cost cutting, even so far as utilizing students, for example, who are required to do 20 hours of community service per year, or before they can graduate, they're required to do a certain number of hours of community service and perhaps utilizing some students in the library that take an interest in books, and can help put away books and things like that. They were looking at doing that as a cost cutting measure. They did have some funding activities. You had an online auction, for example. They're they're looking at all possible options, as far as keeping the library functioning. And although it's not budget season, I personally, although I don't know, I don't attend the library regularly, I did get my first library card. But I've always found it a source of pride. That building right there in that painting, it's there for a reason, because that's a source of pride for Ellsworth. And so I think that given that the library is going to be functioning at a certain budget rate, whether out of towners use it or not, they're still going to have to heat the place. They're still going to have maintenance and repairs, they're still going to have a certain amount of labor cost. Whether somebody from Mariaville contributes in a library card or not. There's going to be baseline

costs. And so balancing that all together, while still being fair to the Ellsworth taxpayer is the big kerfuffle that they're having. So it's a work in progress. And we continue to work together.

Steven O'Halloran

I have two questions. The first one is why isn't it part of the school department? And the second is, Why is everyone so down on the library with all the money that's being spent in this town?

Marc Blanchette

I wasn't aware that everyone's down on the library.

Steven O'Halloran

It seems that they're always in trouble. And it seems that there is a negative feel about the library here. And I don't understand. It seems that you know, I'm one that doesn't want to spend money, I'll be the first to admit, but it seems that it would be a good fit for the school department. They get away with murder. And number two, Why are we so down on on the library? It's a good fit for the School Department, it's education, is it not? Isn't a part of our educational system? Couldn't it be integrated better? If it was part of the school department? It'd be great at funding it.

Dale Hamilton

So we can certainly you can bring that to the budgeting.

Steven O'Halloran

I am just asking.

Dale Hamilton

Just for the record. Because I don't want you putting words in my mouth. I've said from the very beginning, I am a proponent of the library. Funding is separate. And so that's how I've separated and I've I'm not going to rehash all the points I've made in the past. This is why I've asked a question in advance of the budgeting meeting, I would like just information in terms of what has been the impact of reducing hours. And if the if the hour reduction isn't generating a significant problem for the community, that's good information to have. If however, it's a significant problem, and there's evidence to show that, that's good information, too. So that's why I raised it. It's not about being down on the library. The budgeting decisions that I voted on in the past were made in terms of context of what I felt were appropriate, not that I'm down on the library. So I just don't want that view to be contributed or attributed to me.

Michelle Kaplan

I haven't personally received any emails of people being impacted. But I'm certain that what yeah, one of our librarians who's here tonight might be able to tell us if there are complaints about the reduced hours.

Dale Hamilton

That's what I'm asking for. So when we go forward with the budget...

Casey Hanson

That's a good thing to bring back once we start talking about in the budgeting.

Dale Hamilton

Other committees? So as far as follow up, for the appointment to the Frenchman's Bay, Regional Shellfish Municipal Joint Board, there are two appointments with that there are two kind of parallel groups. The first one is for a representative from the council. So Councillor Lyons has agreed to participate on that board. And on the Frenchman Bay Regional Shellfish Conservation, we are appointing Kathy Picard to represent Ellsworth at that on that group. Anything else with committees? Alright. Item seven citizens comments. This is a point of the agenda where any citizen can speak on any topic. If it's on the agenda, you'll have an opportunity to speak at that time. But if it isn't and you like to address an issue, please step forward, state your name and feel free to speak.

#7 Citizen's Comments

Cara Romano- Heart of Ellsworth

Good evening, my name is Cara Romano. I'm the Executive Director of Heart of Ellsworth, our downtown organization. This past month, in December, we launched a new program called Love Your Downtown. And the basic concept was that we purchased \$25 gift cards from 25 participating downtown businesses. And we created bags that had a bunch of Heart of Ellsworth merchandise in there also some other merchandise from other area businesses that sponsor Heart of Ellsworth events. We brought each of the bags to the downtown businesses that chose to participate. And then we did an online social media campaign, sort of in a way kind of raffling them off through comments and likes of the different shops that were participating. Much to our surprise, it ended up being one of our most successful campaigns marketing campaigns of the year. Some of the program goals were to create the buzz around downtown during the holiday shopping season, of course, to support businesses, instill pride in our community, and to further brand the downtown area of our city. Some of the things that we did throughout the campaign is we collected in a spreadsheet, a lot of the comments that were coming through social media, whether it be on Instagram or Facebook, and we took select comments that were on certain posts and we'll be sharing them via email with the business owner so that the business owner can use those comments for their own marketing campaigns on social media, website, their Google listing, rack cards or anything, anything like that. So the overall program budget was \$1,625 along with 6 plus volunteer hours from board members who helped get the word out and delivered and purchased gift certificates. The Ellsworth American did a really great article that hadn't didn't really necessarily mention this campaign. But the article was in last week's paper, and there's a link inside this report. And it will also be emailed to you folks where it was sort of testimonials from a lot of the participating businesses that the Ellsworth American reached out to and it was a pretty heartwarming article. And I think 100% of the businesses that responded had favorable comments about their shopping season and how well it was and how much things were up for them numbers wise, over 2020. And then we had some really lovely community quotes that really kind of, like I said, warmed our hearts and really was exciting to see how people feel about their downtown and again, like we didn't anticipate the amount of quotes and the nice things that that people said. So some of the things that that I'll share- one person said Zoey Brown, "I love my downtown Ellsworth is the best community one of the best communities I've ever lived in". Another one was really great people were tying businesses together "Airline is a perfect place to grab a pint and a bite while pausing to shop at places like Rock and Art Shop and Trio. Proud of our downtown." And then the last one, "the feeling the welcoming feeling you get from each little shop, you walk into owners and staff describing the items they display with passionate attention". So there was a lot of feel good there were

over, probably collectively there were over 100 comments throughout the entire month of the 25 different business listings, which there ended up being 28 postings with our beginning post explaining everything to the community, and then tying it up at the end. So are there any questions? All right, thank you.

Dale Hamilton

Anyone else?

Steven O'Halloran

My name is Steve O'Halloran. I'm a citizen of Ellsworth. And I would like the board to know that last meeting I spoke of my distaste and discord for the fight with businesses in town, and specifically the Walmart one that seems to be the big hot spot. Before I spoke last time, in fairness, I went to our city assessor, Mr. Larry Gardner, because I wanted to try and learn more before I spoke on the subject was trying to get his point of view. And I was unsuccessful. And I was ordered out of his office. And I just thought this board should know that I was trying to get information before I spoke about this discord and fight with Walmart and other businesses, Mr. Gardner ordered me out of his office and I complied. Thank you

#8- Presentation of Awards

Dale Hamilton

Any other comments? Alright, seeing none. item eight- presentation of awards. It's it's to recognize Katie Dakin for five years with the Ellsworth Police Department as a dispatcher. So we will either get her the award or bring her bring her to the next meeting if she would like to attend. Thank you.

Unfinished business. Consent Agenda all items with an asterisk are considered to be routine will be enacted with one motion. There are no other there are no items under the unfinished business. So we will move forward to new business.

9. Public hearing and action on the application (s) for issuance of the following business license (s):

- Jeff & Diane Kelly-Lokocz D/B/A 86This!, 125 Main Street, for renewal of a City Class C (Victualer and Liquor) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.
 - ETC, LLC d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer and Liquor) License and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.
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Dale Hamilton

Item nine public hearing and action on the application for issuance of the following business licenses. Jeff and Diane Kelly Lokocz DBA 86 this 125 Main Street for renewal of a city class c vic victualler and liquor and renewal of a state restaurant class three and four malt and vinous liquor license. Everything's all set with the applications. So this is a public hearings. I'll open the public hearing. Public Hearing is open if anybody would like to speak on this they may. Seeing none I will close the public hearing. Public Hearing is closed and I will open up to the council.

Marc Blanchette

Move as presented. Mr. Chairman (second by Michelle Kaplan)

Dale Hamilton

You have a motion is second any discussion? All those in favor? Unanimous. ETC LLC DBA. Dyon's 35 eastward lane for renewal of a city Class C victualer. And liquor license and renewal of a state restaurant class three and four malt and vinous liquor license. This is a public hearing. So open the public hearing. Public Hearing open. Anybody like to speak? Seeing none, I will close the public hearing. Public Hearing is closed and I will open up to the council.

Marc Blanchette

Move as presented, (Second by Michelle Kaplan)

Dale Hamilton

Have a motion a second. Any discussion? Seeing none, all those in favor? Unanimous.

#10 Presentation by the City Attorney

Item 10. Presentation by the city attorney regarding executive sessions. This came up as a question by as Councilor O'Halloran, we were talking about this one day and we thought collectively that it would be good to provide some education in terms of what our executive sessions why do we as a council and other boards go into Executive Session for that educational purpose? So we appreciate the time this evening. Yeah, for that to happen.

Steven Wagner-Rudman Winchell

Absolutely. Thank you, Councilor so much. My name is Steven Wagner. I'm with Rudman Winchell. We serve as city attorney. And here today just to have a general discussion about executive sessions, what they are, why the law provides for them when they are appropriate, and those sorts of things. So I hope to keep this around 20 minutes, I'm happy to entertain any questions at any time. So feel free to interrupt me, I do have some materials for the council's benefit. And maybe there'll be something left over for the public. It is a Executive Session motion citations Quick Guide produced by Maine Municipal Association that I think is handy for helping craft the motions entering into executive session. And then the second is just some some sections of the freedom of access act that are pertinent to executive sessions so. So I think there are sort of three key takeaways to the topic of executive sessions. And that's these are an executive session is a exception that should be narrowly construed to the general rule under state law, the freedom of access act, that public proceedings of bodies such as the council should be conducted publicly at meetings that are publicly noticed, which there's ian adequate notice for them. The exceptions are in Section 405, of Title One. And so if you don't see an exception, in 405 that allows for the Executive Session, that specifically last word, if you don't cleanly fall within that exception, then you should default to the general rule of meeting publicly. So that's that's the basic rule of executive sessions. Two other important parts, no action should be taken in Executive Session. Executive Sessions are merely for discussion amongst the Council for the specific reasons that are articulated in Section 405. And another takeaway is that you want to as a council or as any public body, avoid what I would call accidental executive sessions or then not that I think this council did this, but a intentional evasion of the freedom of access act by meeting in a way that has not been publicly noticed. And that's what we would call an illegal executive session. So those are really the the main takeaways of what I want to go over today. So in your

packet to section 401 lays out the purpose of the Freedom of access act. And as the law courts summarized, the basic purpose is to protect the public's right to obtain information about their government and government policies so that they may know what their government is doing, and prevent mischief and arbitrary and self serving government action. So when I say that we construe that general rule broadly that things should be conducted publicly, this is the purpose that that law is trying to achieve. The law in Section 401 makes clear that that broad purpose should be liberally construed and applied to promote that general policy and purpose and any of those exceptions to that the reasons for meeting an executive session should be narrowly construed. So as a practical standpoint, if I'm posed a question if Can we do this in Executive Session? I think it's a close call. As City attorney I'm going to err on the side of recommending it be discussed publicly. So this applies to any public proceeding. That obviously covers council meetings. Basically, our rule of thumb is any meeting of Councilors three or more, even though that's short of a quorum, because of the notice requirements, we would say any meeting of three or more, should be done on a publicly noticed meeting. And that's any substantive discussion. So non substantive discussion, such as what should we put on the agenda and things of that nature that that wouldn't be a illegal executive session to have that discussion outside of a meeting. Now, there's obviously no question that the council is a public body subject of the freedom of access act. But this also covers committees or subcommittees of the council as well. So section 406, or I'm sorry, 405. Subsection six, are the allowed exceptions. So this is what happened has to be cited in the motion to enter into an executive session, we need to fall under one of these exceptions to the general rule of public access. So first one here, 405 (6) a personnel matters. So happy to see on the agenda this is number 21, is exactly how you would want to phrase this with the personnel exception, you don't want to specifically name the individual because again, the point of Executive Sessions is you have an exception for confidential reasons because you don't want to expose sensitive matters that are not appropriate to discuss in public. So when you cite the personnel exception, you generally don't cite the name. This concerns employment appointment, assignment duties, promotion, demotion, compensation, evaluation, disciplining resignation or dismissal, I would suggest to you that is that it's very broad language, and the courts have construed it very broadly. But you also have to make that's only one part of the equation, you also as a council need to make a determination that public discussion would damage the person's reputation. Or this is a situation where that person's right to privacy would be violated by discussion in public. So not only is it a personnel discussion, it's one that meets that standard. So you need to make sure both of those criteria are met. Additionally, a couple points the person in a case of a dismissal or discussion of bad nature, the person charged needs to be permitted to be present, if they desire, they don't have to be. They may request so long as, it's in writing, for there to be a public session of any investigation or hearing of charges. I will say I know some municipal attorneys have construed that to mean that so long as your personnel discussion is not about investigation or hearing of the charges you can meet without the person being charged present. I take a more conservative approach. And really, if any of it has to do with a discipline or anything like that, you should consider the whole thing as part of an investigation, hearing charges and the individual being charged to be provided notice and a right to be present during those executive sessions. Any questions on that one? Okay. Second, one, 405 (6) c and I'm just going to deal with what's pertinent to the council here would be real estate and economic development negotiations. Again, you sort of have that two part and needs to be a real estate or economic development negotiation. And you have to determine that premature disclosure would hurt the municipalities competitive or bargaining position. So most commonly, you'll see this with discussions of tax increment financing, credit enhancement agreements, proposed real estate transactions. Broad there's not a whole lot of case law on this. I haven't

seen anybody sort of challenge account. Bodies determination. But, again, this is the exception to the rule. So I make sure you go through that analysis to determine in premature disclosure of what you're talking about, could put the municipality at a disadvantage. 405 (6) d discussion of labor contracts, contracts and proposals. Nothing. I think that's relatively straightforward. The only part I'd flag is that, like personnel matters, these may be discussed in open session if the parties agree. My personal favorite 405 (6) E consultation with legal counsel. So you can fall under this exception to discuss rights of the body, or pending or contemplated litigation or settlement offers when premature disclosure of general public knowledge would clearly place the municipality at a substantial disadvantage. So rights of the body is very broad. And the courts have interpreted that, specifically to say that freedom of access Act was not designed to prevent a government body or agency from consulting privately with its legal counsel about how to comply with the laws and regulations that govern the bodies or agencies work. Indeed, it may be wise for a citizen board to consult with knowledgeable counsel regarding the board's legal obligations and the potential consequences in preparing it. So it is broad. That being said, I think, when crafting the motion, it's important to clarify whether you're meeting because of litigation, or settlement offer or rights of the body, which would be a discussion of just generally what are the duties for the council here? What is the issue before the council and what options does the council have? So in that executive session, when meeting with council, it's important that the council as a body doesn't discuss the substantive merits of the issue. If we were meeting to discuss, say you were a Board of Appeals, and we were, we had an appeal of a zoning decision, I would perhaps outline the procedures, I outlined some of the substantive issues. And I discuss how the event will go that night and some potential risks to the exposure to the city. And we can certainly entertain specific questions on that. But what I would draw the line as any discussion amongst the Council on the merits of the app, or in this case, the Board of Appeals on the merits, because that needs to happen in public session. Case law has also clarified that multiple boards can meet jointly with counsel, that's permitted under the law. Section, subsection F is allowed for confidential records discussions. So this is anything this exception covers anything where any statute designates the information to be discussed as confidential, even then discuss it in Executive Session. I'd flag two things that commonly come up for councils would be poverty abatements, and disability variants applications. So these are two things that they should be noted on the agenda. And again, in a non identifying manner. But they should be discussed in Executive Session. And I also think that this exception can cover any any discussions that would be subject to private confidentiality agreements, say proprietary information or something of that sort. But those likely would also fall under either the council exception or economic development. And at the risk of sounding like I'm getting in the weeds here why this is important, is whenever whenever you go into Executive Session, you need to have a clear record of the reason why, and this specifically what is going to be discussed in Executive Session, and you have to have a specific record citation to the exact provision that gives you the authority to do that. So although it'll often appear on your agenda, as staffs thought through in advance, it's important that the council goes through this exercise to make sure that it is confident that it isn't legally authorized to go into that executive session. Last one here, 405 (6) H is the rule 80k, which is the main rule of civil procedure that allows the city to prosecute land use violations. specifically says consultations with the municipal officers and a CEO who is representing the municipality and District Court on land use prosecution. So conservative approach chairs, given the way that this is phrased, if your CEO does the prosecution's, then this covers them. If they defer to the city attorney to do the prosecution's, I would recommend that you have the discussion with the CEO and the city attorney present. So those are the exceptions that I think apply here. Any questions on those? Okay. Counselor O'Halloran.

Steven O'Halloran

I do have a question. Is there a law that says we have to go into Executive Session? Or is it for our protection against lawsuits? Because this all came about because I vote against going into executive sessions, I believe in being transparent with the taxpayers and their money. And we've had conversations about it. And my question to you is, you know, is that a protection for the city that you recommend? Or is there a law that says we have to have executive sessions?

Steven Wagner-Rudman Winchell

Favorite lawyer answer, it depends.

Steven O'Halloran

How much did that cost?

Steven Wagner-Rudman Winchell

So there are certain sections that you are required by law to discuss in Executive Session, an example would be poverty abatements, it would be a violation of state law to name who applied for a poverty abatement or to discuss the merits of that publicly. Where the council has a choice are so I guess another example would be certain records are deemed confidential. So discussion of them publicly would be a violation of whatever statute applies. And there are penalties for violating those either in the specific statute or the freedom of access act, specifically has civil penalties, that kick in, of course, the Attorney General has to bring those so the odds of enforcement action are low. Other exceptions that we discuss, such as legal counsel, economic development, those sort of things, those the council has discretion. And you I think, identified it very well, in the beginning of your question that it's there to in part, protect the council, it's also there to protect the confidentiality of the matter being discussed. So if it involves sensitive information about sort of third party that wouldn't be appropriate to discuss that publicly that that's a valid reason. And that's why those exceptions exist. It's also to protect the city from potential liabilities, such as discussions with legal counsel, you don't want to have candid discussions about pending litigation, that could certainly jeopardize your attorney client privilege. But I think to a broader point you're getting at is that I do caution, just because you can doesn't mean that you should. And I do think that's a valid point to discuss. And I think there are sometimes risks of overusing executive sessions, because they can give the perception, although unintended, and perhaps not any valid reason that you're doing something nefarious, or, and so I do think it's appropriate to exercise caution. And that's why the law actually has the procedure, and we'll get into the procedure for an executive session is it has to be by a motion, the motion has to cite the specific reason it needs to you have to have motion to open the executive session and close it, only one topic can be discussed. You cannot take action on that topic. The scope needs to be identified in the motion and ideally, but not strictly required in the agenda, and then there has to be a three fifths vote in order to go into Executive Session.

Steven O'Halloran

Three fifths?

Dale Hamilton

Kind of a question. Those lines, because part of the law around executive sessions, is also it's not that it's preventing information from the community. It's also protecting the community, we represent the

community. So, for example, if there's a real estate deal, if we were to announce that publicly, we might go move the property from \$500,000 that we're going to purchase. Now. It's going to cost a million dollars because we addressed it publicly and didn't do that executive session. Same with personnel if we bring a personnel issue publicly and address it, the city can then be sued for defamation and all of that that could play out. So there's there's, it's not that it shouldn't be perceived by the community that the council has an agenda to discuss things in isolation. There's also a duty that we hold as members of this body, when we're representing the citizens of the community to make sure that we don't put the city and therefore their tax dollars at risk because of our actions, to put something that shouldn't be public, public.

Steven Wagner-Rudman Winchell

I think that's very well said, and that that's accurate. One recommendation I can make, and I haven't followed the context. So I'm just speaking generally, if my experience with municipalities is it can help to when you come back into public session, or if you put them at the end, before you go into public session to give a summary of what not just, you know, this meets the, this isn't a good discussion, that's personnel matters. That's exactly what you should do. But say it said economic development, give as much information as you can to give the public an idea of what's going to be discussed. And I think it's helpful to remind the public, again, no action can be taken in the Executive Session. It's just for discussion for exactly those purposes. So finally, I'll just wrap up with consequences and enforcement. What happens if you have sort of illegal Executive Session? The law, the only real remedy for a citizen here? Well, there are two so the Attorney General is the only one authorized to collect civil fines 500, the first time 1000 The second time 2000 for the third or more time in four years. The only action for a citizen is to invalidate as null and void any action taken in the illegal executive session. So what that means in practice is even if you make an error, and you go into Executive Session, when you really shouldn't, if the council didn't make a didn't make an action, there's there's not much citizen can do to have a remedy there. So any any challenge they brought would likely be thrown out of court on those grounds that there really isn't a remedy because action wasn't taken. So would that be up to the Attorney General, to bring any sort of action, so But if someone does, and if they are successful after a de novo hearing, which means a trial of the facts. significant penalty here is that the court may award attorneys fees if it finds there's been bad faith. So I think we all have our own definitions of bad faith. But essentially, it means that the council tried to subvert the purposes of the freedom of access act, and it wasn't for any legitimate purpose. So that's more than just a mistake or bad advice from your legal counsel or something like that. And last couple points, I just wanted to make were sort of some traps in the weary email discussion, don't do it. That can be construed as an executive session. So certainly, email amongst counselors is appropriate for determining what should be on the agenda, but don't have a substantive discussion of those items. And that's true even with the change to remote proceedings, that law is clear that even if you have enacted a remote proceedings policy, the discussion can't be like text based. It's got to be video or telephonic note taking, again, not strictly prohibited, but don't do it. Best advice is to treat executive sessions as confidential for all the reasons that we discussed. And even though the law court has made clear that those notes would be confidential and not public records, you also have you still have record retention rules. And so it just creates a situation where the staff members now have to go back and figure out what was part of an executive session what wasn't so best practice, don't take notes during the Executive Session. That's all I've got.

Dale Hamilton

Other questions?

Michelle Kaplan

So if somebody wants to know what occurred during a an Executive Session, under the Freedom of Access Act, would they be entitled to a record of that?

Steven Wagner-Rudman Winchell

No, any record that was generated or discussed during the freedom to act during an executive session would not be a public record. So

Michelle Kaplan

So how would they be able to get the because how do they get information on the Executive Session? To know that we didn't do something wrong if they have no ability to get information under the Freedom of Access Act.

Steven Wagner-Rudman Winchell

So that's the importance of making a motion. That's why the law requires you to make a motion that specifies the scope of what was discussed. That answer your question, are you thinking how are they ever going to find out that something bad happened? If they can't?

Michelle Kaplan

No, no, not like that. But you know, if somebody says, Well, you know, under, let's say we looking at TIF funding, and they want to know, what was discussed about a building or a property or something along those lines. And we do it under Executive Session, and they want to know about it, because maybe they feel like they got left out or something. Who knows? How would they be able to find that information under the Freedom of Access Act?

Steven Wagner-Rudman Winchell

Sure. Okay. Yeah, let me answer I now I understand you're saying, right, so certain, just because you take a record into executive session doesn't immediately mean that it is confidential. So most of those TIF documents would still be public records. But you'd have to work with their you know, TIF happen to determine what information and premature disclosure would put the city at a substantial disadvantage. And again, I think that's the importance of also you can have your discussion. So take a TIF, right, the sensitive information is typically going to be discussions about credit enhancement agreements, and what percentage the town is going to retain. It may also be some proprietary say it's a wind turbine, and maybe some proprietary information about the technology and what they expect to generate. But you can still that that's a narrow subset. So you can give you can come out of a executive session and discuss give a summary of everything that doesn't include those specific numbers. Again, that's something you know, you'd want to discuss with council, and also the individuals that you're negotiating with.

Dale Hamilton

Okay, thank you. Appreciate it.

Steven Wagner-Rudman Winchell

Am I needed for anything else? Okay.

Dale Hamilton

Item 11 discussion and action on premium pay for city departments. Manager Moshier?

#11 Discussion and action on premium pay for City departments

Glenn Moshier

Yes. So, after the last meeting, and the discussion that was had in the directive that you gave, that you'd like to see, department heads come forward, had several department heads reached out to me, and in an effort for efficiency, and rather than having them all come up and and speak to the council, one by one, I had them all draft their information and send it to me, for me to present to the group, I asked them all to be here in case you have individual questions for specific department heads. But I felt this might be a little bit more efficient than to have them all coming up and, and giving, they're giving their their plea for, for their employees. So just to start out, I just want to say that, you know, throughout this pandemic, in recent weeks, the city has been, the city employees have been hit harder than we ever were, throughout the early stages in the pandemic. Currently, we have at least six people total, who are out with COVID in various different departments. We've had significant outages, while as you all know, we had to close City Hall for a day in and kind of regroup because we had multiple people in the clerk's office who were out. highway departments have numerous people out over the last couple of weeks, police and fire have as well. And all those departments when you know when you lose one or two people, three people in an instance of the fire department right now, others have to pick up the slack. You know, the absence of those folks. And throughout the you know, throughout the pandemic, a lot of the different groups throughout the city and the employees have have gone above and beyond what their typical daily job entails to to make sure that the city continues to service the public and we continue to offer the highest level of service available. And they were all as we discussed last time, they were all identified through multiple sources as as as essential workers throughout the pandemic and once City Hall was was reopened they all came back to work in force and and have done outstanding work throughout. So just to kind of highlight some of the different kind of outside the norm types of situations that that have been presented to me from the different department heads, you know, first off dealing with the the clerk's office out front, many of you can remember when we first opened back up to the public, our clerks were servicing our citizens out in the parking lot, through the winter months, the cold and the snow, they were out there exchanging paperwork, getting payments, so that we could continue to operate without having folks in the building and potential for exposure there. They did that for for many weeks, until we opened the building up. And then we had limited access, and had to, you know, restrict the number of people that were allowed in the building. So there was a whole host of sort of nuances that we had never really been faced with before having a you know, a public building where people come and go from freely, so our folks had to police that, and we did an outstanding job of making sure that we were able to service the public, again, without major inconvenience or disruption to the, to the public that was coming here to City Hall. Along with that, you know, when you have the once we got the building back open, and you have that constant public interface in the building, you know, increased need for, for sanitizing and cleaning of the facility was was added, you know, an additional burden to our, our staff, which only consists of two people, you know, to maintain this whole building, as well as other properties throughout the city. So their workload was was increased exponentially throughout the pandemic, when they were frequently

cleaning, certain, you know, frequently touched surfaces and so forth, in the earlier stages, to make sure that the, you know, the employees as well as the public that came into the building were, were safe to do their business here. Throughout the building, we had, you know, multiple different situations where, you know, our folks who work upstairs for those of you who've been up there, you know, this office spaces are very small upstairs. So they were coming down to the lobby to meet with individuals, whether they be citizens or, or builders, dealing with code or planning, meeting in the lobby to work with those folks. So, so that they could effectively social distance and still get the work done that they needed to get done. You know, out at the transfer station, staff out there interacts with the public every single day exchanges information with those folks and frequently assists certainly elderly and disabled folks with the removal of their trash and other things from their vehicles. Our, you know, Highway Department was subjected to months of, of mask wearing, while they were outside doing manual labor, and for any of us who, who wear these things on a regular basis, and certainly try to exercise or do anything like that, you know, how cumbersome that can be. And just really disruptive just to your functioning. They were also like, and again, throughout the course of the entire pandemic, you know, the highway department and the wastewater and, and water departments all that work outside of the city hall, you know, they were out there, doing their jobs interacting with the public and putting potentially, you know, putting themselves at risk and risk of contracting the virus and taking it home to their families. Wastewater, you know, still is a high risk, because you can actually they detect the COVID vaccine, excuse me the COVID virus in in the wastewater itself and you know, our folks are testing that every day as part of their duties and part of their responsibilities. So there's you know, there's increased threat of exposure there. And you know, wastewater plant it can't operate by itself it has to be someone has to be there 24/7 Just the same at the water department people need to be there and treating at those facilities and making sure that everything's running smoothly and chemicals are all handled appropriately so that we can continue to provide clean drinking water for our citizens as well as wastewater disposal for for our citizens. We said a little bit about this the clerk's you know, the also as far as the clerk's go and and really all the City Hall, another really, you know, big, big drain and a big push was, you know, the presidential election, and you know, we were right right at the height of the, of the pandemic, at that point, globally anyway, and we had a presidential election that we had to have the amount of work that went into that. Not just the election portion, but the planning for it the one way traffic, the, you know, the assistance from the the facilities folks and all of the employees to make all of that happen was, you know, it was really, above and beyond and outside the norm of what they, you know, what they ordinarily do on a daily basis. Others, you know, another one of the department heads was IT, you know, the IT department, they were here. Early, early on, in the pandemic, when it was only policing fire in the building, the building was still closed, they had to frequently come in and assist with projects in the police department issues with computers and so forth, and working right alongside all of the employees. And they continue to do that, at a very high level they did throughout the pandemic, to ensure that our systems keep running and not only computer, as you well know, they do much more than computers. Jason does our traffic lights and is responsible for, for computers throughout the cruisers and our video systems throughout the city and our cameras. So they're much more than just just computers, and they had to maintain and continue to do that work throughout the pandemic and have contact with individual employees, police, fire, City Hall employees, and in order to do that work, and they, you know, they did that without fail throughout. And that pretty much hits the highlights, again, I mean, I've got a bunch of pages here. And, you know, the department heads did a very good job of bringing forward, you know, cases for all of their employees and the extra work that they've done through the pandemic to make, you know, to allow the city to continue to run

efficiently and for us to, you know, to deliver a high level of service. And, and I think that they're all very well deserving of the premium pay. And I think that they make very compelling cases.

Dale Hamilton

So do you have a specific recommendation around the pay?

Glenn Moshier

Yeah, I think the 1000 that was brought forward at the last meeting by Councilor O'Halloran is probably is an appropriate amount that I'd like to recommend the council consider.

Casey Hanson

How many workers is that? I think I remember when we, when we talked about the police, the fire department, it was like, for these dates for workers who fit in sort of that certain time category. Right?

Glenn Moshier

So yeah, so the police and fire was a little bit different, because we were talking specifically at that point about the matching hazard pay from the county, which was that was marked with specific times. And at the end of that discussion, I think it was counselor chair, chair Hamilton that said, you know, basically forego the dates, we're not really interested in the dates, we had to keep those dates for the for the county match, but for the city match it was it was the employees in general. So, you know, during that during the early stages, obviously, there was you know, City Hall was closed, and so folks working at home, but this is more really, in my opinion, this is more a recognition of the fine work that they've done since coming back to City Hall. And the fact that you know, the exposure now is greater than it really ever was for, for the probability of contracting the virus at this point, as we've seen, over the last, you know, two months were many, many more cases than what we had early on in pandemic even though we did have some exposures. And the number that number is about 60 to 65.

Dale Hamilton

Questions? Councilor O'Halloran.

Steven O'Halloran

How is that different than what I presented? To give all employees that were not school, Fire or police \$1,000 Bonus. How is this any different?

Glenn Moshier

It's not any different, sir. Just following up with , I'm just following up with what Dale chair Hamilton asked for the department heads like the police and fire did to come forward with information about their individual departments as to why they felt that it was appropriate.

Steven O'Halloran

So you're not omitting anybody. So if this was to pass, everyone in the city would get the same treatment. Is there anybody omitted? No. Every department came forward and asked for their people to get a bonus. Do I understand that right?

Glenn Moshier

No, not every department did there were one or two. But they would be included in what I'm recommending for.

Steven O'Halloran

you're recommending what I presented.

Glenn Moshier

Yeah. Yeah. With the, with the guidance that we were asked to provide information specifically about from the departments, which is what I've done.

Steven O'Halloran

So if this passes, nobody gets omitted. Everybody gets the same fair treatment of \$1,000.

Glenn Moshier

That's correct. With the exception of myself, everyone will get the \$1,000.

Dale Hamilton

Councilor Kaplan.

Michelle Kaplan

Does that include the library?

Glenn Moshier

Yes.

Marc Blanchette

How is that going to later on tonight in the agenda on item 17. We got a request from public works. And when implemented, went to stipend or highway department members. I was going to work bumping up against that. There's also a request coming from her at next month's meeting for the a pay hike. So two totally different

Glenn Moshier

This is the ARPA funding for this \$1,000 is in recognition of the work that they've done, the work that they can continue to do, and the threat or danger that they're under with constant exposure to COVID virus. So that's the ARPA funding, the later agenda. I don't mean, I won't get into great detail about it, because we'll get there when we get there. But that is an effort for retention. For our plow drivers. As we've talked about the past. Those type of workers are in high demand right now, all of the contractors are looking for operators to run their equipment. And we had several of our individuals who work for our highway department who are highly skilled, who have been contacted by contractors to try and get them to come and work for them. They're offering more pay. And this is an effort at a time where we had multiple vacancies in the highway department, where we cannot really afford to lose additional people in order to maintain safety and keep our roads clear. And not to what she's asking for is a seasonal bonus, which

wouldn't be paid out until the end of the winter season, in an effort to try and retain those folks and make sure that we don't get below a critical level of employees to maintain safety and keep our streets cool.

Marc Blanchette

So this whole package will take up roughly \$100,000 of the 860 I believe?

Glenn Moshier

no.

Marc Blanchette

I'm sorry, the what you're presenting tonight, along with what we gave police and fire a couple months ago.

Glenn Moshier

Yeah, police and fire was 26 employees total. So 26,000, and this will be somewhere in the 60 neighborhood. So you're talking 85 to 90,000 out of the 800.

Dale Hamilton

I'm truly mixed on this in terms of just from the equity perspective in terms of just the community. One of the most I think unfortunate things about the pandemic has been the total politicization of the whole of a virus. It should have stayed with entities that deal with viruses. It should have been clear about that. But when we had politicians who wanted to step in and and mandate and when we look at our businesses in the community, different types of businesses and how they weren't so negatively impacted, because of politicians stepping in imposing these restrictions. I mean, let's look at now, although we're some of us wearing masks. The fact of the matter is that it does spread have the virus now is is much greater than it ever was at the beginning of the pandemic. And yet we had mandates to do XYZ, you must wear a mask, you cannot enter this facility, restaurants cannot operate, going into a restaurant and somehow you can take your mask off when you're eating. And miraculously, you're not spreading the virus. I mean, it's a lot of the inconsistencies has led to a problem with people accepting what is effective. And it's it's led over in terms of people questioning whether they should get the vaccine or not. I think that's a personal decision. But it certainly has been jeopardized and people's health have been jeopardized because of these arbitrary types of positions that politicians have imposed. And so when I look at this proposal, I certainly value every city employee and I value every worker in the community I deal with that myself. And I think people are, should be recognized for the extraordinary efforts. As a city body, it's just it's hard to then say, well, we'll give over this, this these dollars to employees, knowing that there were other people in the community that suffered just as great, and we're not able to give to them. So that's where I'm torn on it. From that perspective. And the other point that I made at the time when we approved for first responders is this is this should be very clear that this is about if it's approved, for me, it's about thanking the workforce for their extraordinary efforts during it's not about the jeopardy or the danger, because that's ongoing, this is going this is not a pandemic that is going away, it's not going to disappear. There is no herd immunity, that that we were told is that's a worldwide, if you study viruses, this is going to be endemic, it's going to be part of what we live with. And we're seeing that now in terms of the spread. So to think that we are going to give something because of a potential danger and the danger that people face. I don't think that's a fair assessment. And it also leaves it open to say, Well, what about next month,

when we have 20% of our workforce out? Shouldn't we give more then? I don't think we should tie it in that way. If we do this, it should be about thanking people for making those sacrifices for going out into the parking lot to serve the community for making those adjustments that I absolutely appreciate. And that's what this should be about as a thank you for the hard work not associated with the dangers of the pandemic. Because what we know we see now, it's worse now than it was before. Councilor Kaplan?

Michelle Kaplan

Well, I agree with you. I also wonder about, you know, how many of these city employees lost wages while we were closed? Because there are people who ran restaurants that lost their business, lost their revenue, some are still on the verge of closure, because they can't even get help because of the pandemic. And so, you know, there's people who worked at Walmart or worked at the grocery store on the frontlines, and at times lost wages because of closures, or they couldn't have customers in their store, waitresses, that lost tips, because they couldn't take care of customers. And they were limited in how many people were allowed in their business at any particular time. And yet the ones that were there, they're not getting any hazard pay from anybody.

Glenn Moshier

Well, I guess my only answer to that is we we certainly don't have the capacity to go out and go into private businesses and award hazard pay to those folks, but we do have the capacity to do it for our employees.

Steven O'Halloran

Two months ago, and forgive me if I've got the dates wrong, the fire and the police come forward asking for \$1,000 Bonus, I voted against it. And I said at the time what's good for the goose is good for the gander. I couldn't support one group getting \$1,000 pandemic bonus and not the entire staff getting pandemic bonus. I voted against it because I was against the bonus plan. I think we all got dealt equal to your point we all got dealt equal troubles. And we all have dealt with the troubles. However, this council voted to approve two departments in the city to get bonuses and leave the others out. I said from the beginning, what's good for the goose is good for the gander. And I believe we've set ourselves up, that we have no choice. That's why last month I sponsored this, too, if you're going to give to one group, you give to all groups, everyone had a different time, during this pandemic, everyone got something different out of it, some people got benefits to stay home, some people didn't, some people went to a parking lot to register a car, whatever, somebody, everybody's life was changed. And this council elected to give two departments in the city a bonus, and I voted against it. And the reason I voted against it is for this purpose, you got two departments coming forward. I put it on the agenda the next month to level the playing field. And that got voted down. And it was suggested that the department heads could come forward. Now we're here two or three months later, with the same bill as we had two months ago, which you either do for all or you do for none. And if in fact, this gives everybody equal treatment, I would be in favor. But it needs to be for every employee, not a few selected like this Council started doing I didn't like that.

Michelle Kaplan

That's more to your point. You also have sponsored to give the remainder back to the taxpayers. And that's more to my point is that many of our taxpayers lost revenue. They didn't have they didn't have their

businesses open. They they modified their businesses, they did amazing jobs with the sidewalks and things along those lines. So that would encompass your entire recommendation to fully level the playing field.

Dale Hamilton

Councilor Miller.

Robert Miller

Did any city employees lose wages?

Casey Hanson

I'm torn about this. Also. The argument about hazards specifically and about COVID, I think ignores the fact that back at the beginning of the pandemic, the people who were needing to work face to face with constituents and people in the town had no protection, they often didn't have enough personal protective equipment. And there were no vaccines. Even though as a physician, even though I am seeing way more COVID now than I was at the beginning, I have plenty of protection, I am not going to die of COVID. And I am not going to be hospitalized for COVID Because I have a vaccine that makes it a completely different world. Even though we're seeing a lot more COVID, you have the option to prevent severe disease, and almost all cases not if you're very immunocompromised, not if you're very old. But for most of us, it's really up to you to be treated. So that doesn't, it's not as hazardous now, even though it's around more. So I just want to say that because I think that's true. The pandemic is horrible, and it's affecting us all in different ways. It is not as dan, you have an option for it to not be as dangerous to you now as it was. separate from that, so to me, approving the funds for the fire in the police just made complete sense. They were under major hazard during that time. They're not in that same hazard right now. Compared to people who could work from home or didn't have to interact with the public or didn't have to interact with sick public. That and as I will bring up my motion in the future, it really bothers me to try to make a \$100,000 decision tonight or a \$65,000 decision tonight without having this grander discussion about how would this money best serve the community at large? So I feel that way. On the one hand, on the other hand, I know it's been horrible to work for the city, just like it's been horrible to work pretty much anyplace else. And it would be hard for me to say should we thank those people, it's going to be really hard for me to say no to that. So that's where I'm waffling in my mind and I just wanted to say that.

Dale Hamilton

Also, I just want to put some context in terms of the process when the fire and police came forward it was one, the county was continue making it contingent their allocation on municipality buy in. And at that time manager Moshier, you, I believe you told us very specifically that you offered, every department head to come forward and make a case. And at that time, there was no takers. No one else No, no department came forward. And so when it was not approved by the council, for everyone, that was the the door that was left open, is that we said if the department heads wanting to come forward and do follow the process that you outlined, that that could happen, and we would put it on an agenda, which we did. Two very different scenarios. They've come forward now to present their case. And to make their case originally, they didn't do that. And we had two departments that did, and the other departments had declined at that point. So that was the well, I'm I'm speaking specifically to what was said to the council at that time, and if you want to go back and look at the meeting, you can but that was the the comment that was was

made. So not at the moment, you can in a second if you want to go to the podium. And if you'd like to go to the podium now, you may do that. But I'm not going to get an argument with you. From your chair.

Steve Joyal

you know, it's basically comes down to a pretty, pretty simple point. You chose to give it to two departments.

Marc Blanchette

Steve, would you state your name, please? For the record. Steve Joyal, facilities Director City Hall, and by the way, because I've heard you guys say it so many times, we were in the building. We didn't work from home. We didn't get a paycheck at home. We were here. Okay. I just want to make that clear. This all comes down to that you guys gave to departments hazard pay. Everyone else in this building that works here now feels that our positions are not as important. Okay. I understand what the police does. I understand what the fire department does. We're all working for the same company. We wouldn't even be here if that didn't happen. Okay. That's why none of the staff spoke up as far as hazard pay goes. Because until the police, and the fire got that hazard pay, there was no reason for us to say anything. This is all about the precedent that was set when you guys did that. And all we're asking for is to be fair. And I want to point out, thank you, Mr. Mr. O'Halloran for what you have said, because that's it plain and simple. I mean, this goes round and round and round. But it all comes down to that. And we don't feel like we were treated fairly.

Dale Hamilton

So I'll just go back to when this was initially when the fire and police came forward that was raised. And we were told that the other departments did not come forward. It is we didn't know that we could into Can I please finish? Can I kind of finish? Thank you. We didn't know that was what was told to us. Is it on the agenda tonight? Just what is this topic on the agenda? Did the departments have an opportunity to come forward?

Steve Joyal

Yes, we all I believe most of them read a letter.

Dale Hamilton

So I just wanted, I want to stress that point. Because I want to stress it to the city employees, that the process the door wasn't closed. We didn't stop the opportunity for that to happen. And I'll speak for myself. It was an invitation for the department heads in the other departments to come forward and present the same case that the police and fire did. So did it happen at the same time? No. But do you have an opportunity to do that this evening? Yes. And so that is not an unfair treatment. We haven't voted yet on this. But it's the same process that we brought forward with the police and fire. And at that time, we were told that that the other departments hadn't brought anything forward in terms of making their case.

Steve Joyal

As soon as I was told that individual department heads had to bring it to Mr. Moshier, I did. How could I have done it any sooner than that?

Dale Hamilton

that's what at that time that we voted, we did not have that information

Steve Joyal

That's correct. until afterwards. Then when it was asked for that information. I believe we all did our job and provided that information. We then actually I had an agenda item on there for the maintenance department here at City Hall, which was taken off and replaced with the agenda item that is now on there, because we were told to present on our own, which is what I was was prepared to do. Because and most of it stems from listening to you guys several times say but there was nobody in the building. There was nobody in the building. Do you really think a building like this can run itself for several months without somebody being here for the HVAC system? For the life safety systems in this building, it doesn't happen. It doesn't happen. We were here. And I don't know if you have you read my letter? Has anyone read my letter?

Glenn Moshier

They have not, because it came to me.

Steve Joyal

I mean, that pretty much pretty much spells out what the maintenance department did. And I know that the maintenance department is kind of like an under the radar. It's, you know, behind closed doors. But let me tell you, you can't run a building like this without having somebody here to keep an eye on it. And I'm sorry, but we did a pretty damn good job.

Dale Hamilton

See if my only point is that that's what we're doing this evening is listening. That's why manager Moshier presented for the department heads. That was not available to us until this evening. That's my point. We did not have your letter until this opportunity. It was not on the agenda prior to this. That's why we are hearing it this evening.

Steven O'Halloran

It was on the agenda last month. Was it not?

Steve Joyal

Just same item? You mean?

Steven O'Halloran

No. I presented, I presented last month. Yes. To level the playing field. And it got voted down? Not by me.

Steve Joyal

Does that explain why I'm a little bit upset.

Dale Hamilton

Councilor O'Halloran, just so that you are clear in terms of what I just said before, and I was trying to, to paint the scenario in terms of the process that has unfolded. And I'm talking for myself, not anybody else. When this was originally when the police and fire came, that was the police and fire. And at that point, no other department had presented a case for the use of it. That was the discussion that evening. So we voted on the police and the fire. And then you put on an agenda item that you felt that all departments if we're going to do it for one, we do it for all, that was not approved by the council. My comment at the time was I very much if department heads still wanted to present their case and do the same thing that the police and fire did in terms of why do they deserve to have this \$1,000 premium pay that they could come forward and do that. And we could hear that in the context of the department's coming forward, which is why it was on the agenda for this evening, for that same opportunity. So for me, there's a difference between just approving it because it's to equal the playing field as you suggested. I wanted to hear personally, the detail behind it of what what went into it. And that's what we heard this evening. So for me that was that's a different perspective.

Steven O'Halloran

I respect what you're saying, for me, I was just trying to fix the wrong. And if that would have been voted in favor of we wouldn't be having this discussion tonight.

Dale Hamilton

Well, we wouldn't, but we will also wouldn't have the information that they put the department's presented.

Glenn Moshier

I think the important thing that we're missing out on here is it's not just all about equitable. It's not all about giving one and giving all. It was the opportunity. And if you want to talk about equitable, well, this is equitable, because the fire chief and the police chief had to stand the Deputy Chief had to stand up here and explain to you why they felt they were entitled to hazard pay. And if we had passed your your last month's proposal that wouldn't have been equitable, because they didn't have to put any of that effort in. Now they put the effort in, they've provided good examples of what they've done, what their staff has done. That is worthy and is is is justification for premium pay. And that's what's being brought forward tonight. It's not just about equitable. It's about what efforts were put in.

Marc Blanchette

Mr. Chairman, Time is marching on it doesn't matter. One bit, whether it was done last month, this month, next month, what's the difference? Why are we why are we arguing but last month I did this this month, we can do this? We have an agenda item. What is it number 17 Number 18, 19, whatever. To discuss the goals and plans for the usage of ARPA funding on the agenda this evening. Why don't we just wrap it all into one item? And then we can make a motion out of that.

Janna Richards

Janna Richards. I am the economic development director but I also oversee the Development Services department which is a city planner, development services coordinator, and myself. I know a couple of you have brought up the point of waffling back and forth on saying like, you know why city employees would get the premium pay. And there's businesses out there that suffered greatly, and the citizens and residents out there that suffered greatly during this pandemic and continue to suffer. And trust me, I feel

that sense of guilt upon myself as well. And so that's why I just wanted to share with you that in the treasury rules, one of the allowable uses of these funds is for the city to provide premium pay to eligible workers performing essential work during the COVID-19 public health emergency. And this is the part that I wanted to highlight is that or to provide grants to third party employers with eligible workers performing essential work, it is within your authority to dedicate funds from the ARPA funds to in the form of a grant to third party employers. And so I know you're going to have another discussion later on through the workshop sponsored by Councilor Hansen. So perhaps that's something that could be discussed during that time. The other thing that I wanted to say was that there aside from assisting businesses and the employers, there are also abilities to come up with programs to assist citizens and residents, not and, and employees. But so you have the authority to thank and provide some of these funds through different programming, not just by giving people a tax break, but coming up with creative programs. And I would be happy to help and assist in some of those programs moving forward. So that was one of the things I wanted to highlight. The other thing I wanted to highlight is that the Treasury rules and regulations define what an eligible worker and what essential work is. And I feel like that would be helpful for this council, if you would like me to read it. If not, I have my memo here that details exactly what that is. It's up to you. I don't want to take any more time. But I feel like if the rules and regs are telling you what an eligible worker is, and what essential work is, it might be helpful.

Michelle Kaplan

I'd like to hear,

Casey Hanson

I'd like to hear it.

Janna Richards

Okay. So eligible worker, those workers needed to maintain continuity of operations of essential critical infrastructure sectors, and additional sectors as each governor of a state or territory, state or territory, or each tribal government or local authority may designate as critical to protect the health and well being of the residents of their state, territory, or tribal government. I will tell you that we read the Maine municipal authority Association's guidance on this as well, they specifically acknowledge that state, local and tribal government work is listed as an essential infrastructure sector. So that's eligible worker, essential work, work involving regular in person interactions with patients, the public or co workers, or regular physical handling of items handled by or that are to be handled by patients, the public or co workers of the individual that is performing the work. I'm happy to give this to you all. It was very helpful for me and having to write you know, for me, coming from a planning background, it's all about rules and regulations and ordinances. And if you meet it, or you don't meet it, and in my humble opinion, and to represent some of my co workers here, the majority of us to do meet this definitions. And the fact that we helped with if this was a business, and then sometimes it is, is that it's a continuity of the operations of this business. We didn't skip a beat, not one of us, and we had regular council meetings, regular planning board meetings. And the cash flow came through this city to be able to substantiate what we do. Everybody got a paycheck. And you know, the tax base remained fairly stabilized through all of that. So I'll be happy to give this to you all and thank you. Thank you.

Lisa Sekulich

I just want to add to that real quickly public works director Lisa Sekulich. In my memo I noted a lot of the same things Janna did for Maine state statue on top of first responder agencies being emergency management, fire, law enforcement, medical, emergency medical Public Works and other emergency services. Public works departments are considered for responders per the definition of critical infrastructure, infrastructure sectors. All public work departments meet one of those critical sectors. Transportation, the highway department without them the roads will not be plowed or passable in the winter months, these past two winters, public health and safety as well as sanitation for the transfer station, without proper disposal of solid waste available, or there'd be a public health and safety concern. The water department, again public health and safety without the continuance of free flowing water, we would have a public health crisis and wastewater department sanitation. Without the continuing of working wastewater disposal system, you'd have a public health crisis both here in Ellsworth and in a lot of the surrounding towns that we take septage from. So, again, all my departments meet the requirements of the subsection Janna just talked about.

Mike Harris

Mike Harris, Ellsworth wastewater. And I really was not going to speak on this tonight, actually, I was gonna let you guys do whatever you give me the hazard pay, or don't doesn't matter to me really. So really, what I'm going to say is, points that meet that I think are the most important in terms of the city and the city employees are the equity that we're talking about. As you can see by emotion displayed by some of my fellow employees, I think you definitely risk a serious hit to the morale of the city employees by treating some departments differently than others. So I will say that. That being said, I think we're also at a point where we're, we're and Councilor Hanson, very eloquently described. The pandemic now is not the same as a pandemic, then. The pandemic then when we were talking about public health, and we were talking about employees that were out there when there was no vaccine, and when there was no treatment really, for COVID, there was an unknown situation. I think at that point, yeah, you're talking about a true hazard. Okay. And now, it's different, the hazard is not necessarily as severe unless you decide for your own personal reasons, that you don't want to take adequate measures to make it more safe for you. But in terms of what we can do for the community, there are plenty of grant programs out there for businesses to apply for, we're not saying they'll get them because I didn't. But there are other provisions for private businesses to try and recoup losses, secure funding to help their business separate from anything the city would choose to do, or not choose to do. There are other ways for them. It's not on the city, primarily to provide this relief. So what I'm standing here saying is, this is not necessarily going to be about anything other than we were here. In varying capacities. We worked in varying capacities. And when you see other communities doing it, when you see other communities providing funding for their employees, when you see the county providing funding for their employees, when you see the school department providing funding for all of its employees, and they are a city department. At some point, you're going this is going to happen. And so for me, I will be honest with you, when it first came up, and we had the department head meeting talking about hazard pay, I said I'm not asking you for hazard pay, I don't need because I got to work. I got my paycheck. I kept my benefits. Okay. It wasn't until hazard pay was approved for certain departments and not for others. And then other departments said, Well, we're gonna go forward to and my employees came to me. And they said, Well, you said you're not going to ask for hazard pay. But all these other departments are going to ask for hazard pay. So if they're gonna ask for hazard pay. Why aren't you going to ask for hazard pay. I said, Well, I guess

I'm gonna ask for hazard pay. Because ultimately, I represent my employees to me. And so if it's in their best interest for me to do that, that's what I'm gonna do. Ok. And so I think you have a situation now where you it's a critical decision you're gonna make. I don't agree with putting in into the next agenda item that you're talking about Councilor Blanchette as far as what you're gonna do with our funds, because if you, if you're going to pay the premium paid to the employees, whether you do or you don't, once that decision is made, that finalizes the total that's left for your upper funds, then you can say, Okay, this is what we have left, what are we going to do with it? I think, ultimately here, because this discussion has been started, because, as you can see, there's a serious concern here with the employees in the city, because of the decisions that were made already. To me, personally, this is going to be a critical choice that you're going to have to make, that is going to have a profound effect on the morale of the employees that work here. And we're in a situation right now, where we're already trying to keep employees in a workforce that we're not as competitive anymore, when that's the simple facts of it. Because of the way the workforce is now, and because of the acceleration of the pandemic, and keeping people from working or wanting to work because of the pandemic, workers have become more of a premium. And companies that have the ability are able to be more competitive and offering them stuff that we can't offer them. Because we are always constrained by a municipal budget, we are always constrained by the taxes that are paid to us. We can't go outside that framework. Okay, so we have to think of other ways to try and being competitive in a market right now. That doesn't favor us. And so, to put it bluntly, probably not a good idea to create a morale issue at a time when you're trying to retain employees. That's all I have to say.

Dale Hamilton

Mike, just real quick, cuz I just wanted to clarify so. So if for you, when you had the opportunity originally, you had declined that. But it really changed. Yeah, for you. It changed after the the fire and police came forward and presented their case, there was a shift. And that changed for you in terms of coming forward and presenting what you've presented this evening.

Mike Harris

Yeah. So the shift was, I went back to my employees, and I talked to them. I said, Hey, guys, look, the fire and police are gonna get up go up for hazard pay. City Manager has spoken to us about if we want to go for hazard pay, then we need to go in front of council and talk about it. I said, ultimately, I don't think I'm going to go up there and talk about getting hazard pay, because of the reasons that I've stated. And my employees opinion was at the same time was the same was either everybody gets it, or nobody gets it. And that's where the change happened. If you're going to give the hazard pay, give the hazard if you're not going to give the hazard pay fine. Don't get the hazard pay. But at the point where some people got the hazard pay, other people didn't get the hazard pay, and then other departments said, Nope, we're gonna go for it too. That's when you had the conflicts. And that's when they came and said, Listen, I was going for it, everybody's going for it, how come you're not going for it? So we're going to for it.

Steven O'Halloran

Just like to make a comment unrelated to yours. But earlier in this evening, I heard that everybody outside of fire police and school would be getting this in this recommendation. Okay, with the exception of you (referencing Manager Moshier). So for crying out loud. If we're going to do this, let's not do the same

thing. Let's include Glenn. Not go through this next month. good for the goose is good for the gander. Period.

Dale Hamilton

Councilor Hanson-

Casey Hanson

I just had a question because Mike mentioned that the county and other cities or towns around here have used ARPA funding to give hazard pay. Is that so?

Mike Harris

Yeah, Waterville, Bucksport I think Blue Hill It's this there's multiple.

Dale Hamilton

Councilor Kaplan

Michelle Kaplan

Is this across the board, regardless of full time part time? Or is everybody just across the board?

Glenn Moshier

I don't know about the library's employees. (mumbling)

Michelle Kaplan

And this is relatively everyone that was working permanent or full time at the start of the pandemic when we didn't know that much about it? Or is it everybody that's currently... (Moshier- 'All')

Dale Hamilton

Councilor Miller

Robert Miller

I'd like to make a motion to approve using ARPA funding for all city employees to receive \$1,000 a second (Michelle Kaplan)

Dale Hamilton

Have a motion in a second, do we need to be any more specific about that? In terms of when you say all employees?

Michelle Kaplan

Yes. Did we want to put a specific dollar amount on that?

Dale Hamilton

so you have a motion in a second discussion? Counselor O'Halloran?

Steven O'Halloran

Could we just could you repeat that motion to be a little bit more clear to exclude the school department but include everybody else except for fire and police? Did you I'm not trying to change your motion. I'm just trying to clarify.

Dale Hamilton

if the clerk will read it back and see if this.

Toni Dyer

I have a motion by Councilor Miller to approve this item at \$1,000. For all employees, excluding the school department, the fire department and the police department.

Dale Hamilton

And that was seconded. Right. Okay. So, discussion, Councilor Lyons.

Gene Lyons

I was against anybody getting any money from the beginning. But I agree. Now, if you give it to one, you got to give it all. That's all I just wanted to say.

Casey Hanson

I think if we're giving it to everybody, we should give it to Glenn also, can we add that? I'm like distressed by this whole thing. But I can I can see things a little bit more clearly about how this has created a morale problem and about how it's related to what's happening in other towns. And so I'm sort of seeing the way that this is all making sense, and that we should go in this direction. But after all of that, I can't sort of understand why we would leave. So I'd say oh, yeah, sorry, include. So I'm sorry, good patron. And I'm just saying words. So never mind. Okay.

Gene Lyons

I got a paycheck from the city. I'm going to Disney next month.

Dale Hamilton

You are way out of order. I would just like to say that, that. In terms of this discussion, I think it's an important discussion. I think that's having a dialogue about something like this, we we represent the community at large, and I understand the perspectives and the passion of city employees, I would if I were in your shoes, I'd be doing the same thing. But we do have a responsibility to have a robust discussion. And this evening it was on the agenda for this very reason was to listen to what the employees had to bring forward in terms of much like the police and fire. So I appreciate the the passion. I appreciate you taking the time to present the case. Other Other comments Councilor Blanchette.

Marc Blanchette

So if this passes now we'll face the fallout from the public. The perception fallout with the attorney mentioned earlier on the on the other agenda item. The perception that we received 860 870 I forget the exact amount \$1,000. And we're giving 1/8 of it to the city employees. The Joe taxpayer is going to say yep, they took care of their own. And we got the screws. You know, we'll get the we'll try to pick up what's

left. But who knows what COVID is going to do. And let's see if they give any more to the room. I think this is wrong. I will not vote for it. I think we're rushing headstrong into it. It reminds me of you know, being a kid you find a buck or two on the sidewalk. And instead of thinking, what do I need? The only thing that you can think of is how fast can I spend this? How fast can I just be done with my recent find. We found 800 some odd \$1,000. And now we're rushing to get rid of it. So and we there is no great time limit, I believe we have to, by the end of 2024 have to plan on how we're going to spend it. And I think it's 2026 that it has to be spent. This only 2022 This January of 22. We have plenty of time.

Gene Lyons

I just think when we approved it for fire and police, we opened the door for everybody else. So if we had said in the beginning, we will not give it to fire police. And we could sit here and say that we have them till 2026 to spend it. But by opening up that door, this part of it was spinning tonight.

Marc Blanchette

Fire and Police had no choice. They knew that they had to be out there. They didn't we didn't know what was going on at the time in the early days of COVID. And yet they had to face it. And they were given no choice.

Gene Lyons

We all faced everybody in the community.

Michelle Kaplan

I would just argue that with the number of zoom meetings that IT had to be here, and with the number of commodes, flushing wipes, that wastewater had to be there. And with the fact that we still had to heat the place, maintenance had to be there, and we still had to collect taxes. And the clerk still had to be there. I just think that everybody still had to be there to make the city function. And so when we did give it to police and fire, we you know, we can't pick one kid over another in this family and given something to the two kids out of whatever number of kids and rivalry and this is no good. Morale issues.

Steven O'Halloran

for crying out loud. We've spent three months arguing about being fair, let's just be fair.

Dale Hamilton

Okay, any other discussion? All right, all those in favor of the motion. All those opposed? One opposed, motion passes.

#12 Presentation by the Finance Director and Software Committee on proposed new software

Jason Ingalls

I have enough to do. I'm not the finance director. I am presenting tonight for the finance director he couldn't be here. So this summer, the city manager formed a software committee with the task of evaluating existing city software's and also to vet new software requests from the departments. The purpose for that would be to make sure that software we had didn't overlap with existing software in to make sure that the software we're making buying was compatible with our with our infrastructure and systems. As a first order of business, the committee decided to look at our immune system because we

knew that we had a large number of issues with that system already. So we took that as our first order of business. Some of the and let me explain Munis is a it's an ERP, so it's a it's a software program that we use in all aspects of our day to day business. It's used for Financials, budgeting, paying the bills, purchasing, vehicle registrations, tax, billing, tax collection, all of that requisitions for all the departments, every every department is involved with the software. Some of the major issues we've had with this program since we purchased it in 2012. Were things like the annual processes W to generation 1099 creation, tax billing, tax liens, business licensing, those annual tasks, very rarely went off without a hitch we almost always have to contact Munis tech support to get those. The problem with that is their tech support, has proven to be very unresponsive, slow, hard to work with often just to get an issue to be looked at or work or started on, we would have to contact their support manager, which is actually, which is actually a process that they endorse, they want you to have to contact a manager to get these things moving, which is not a common practice where other companies that we work. The software is very complex, it's difficult to use. And it's underutilized, it's difficult to get support. So there are portions of the program that we aren't using. Because Because of that, it's just not worth the effort to try and try and get those programs set up. City staff is off, have also learned to use the software with issues because it's too much work to go to that support and try to get them resolved. So they just live with it. Some of the things that we've tried to correct that or correct these problems is we've worked with our account rep. And the support managers to find try and find our solutions. We filled out customer feedback forms whenever we do get them on issues we've worked on. We've also encouraged all the city staff to do that as well, not just it's not so it's not just it. We've reached out directly to our account rep. And we've had a meeting with the support management to discuss the problems which were initially dismissed as maybe overblown or exaggerated, and also blamed on the pandemic, even though these some of these issues go way back before. Before that. We've posted in their online community bulletin board, we asked specifically, you know, what is your experience of immune support compared to other software companies. And we were told that that that post ended up being one of the most popular or active topics on their board. And we were told by almost everybody the same thing that we're experiencing, it's not been great. That post got their attention, and ultimately led to a meeting with the director of VP of support. They did admit that they were understaffed, that they were hiring more people that were changing their onboarding process. But none of that. To this day, we haven't seen any of that come to fruition like we were not seeing any changes in the support process even still. So, looking forward, the committee decided that it seemed like the time was right to move forward with a different system. And it also became quickly quickly realized that we wouldn't be able to find a single system that would do all the things that Munis is doing. We did we realize that it would be easier to find a solution for the front counter functions. And what I mean by that are tax billing, tax collection tax liens, motor vehicle vital records, dog licensing, then it would be to replace the financial functions like purchasing, budgeting, code enforcement, utility billing, accounts receivable accounts payable. The reason for that would be there's not a lot of competition for those state specific tasks or functions. So pretty early on, we decided we'd like to purchase the trio system. TRiO is a municipal software program, specific to Maine. That is very popular, but with small and medium sized towns and cities. It has an intuitive interface. It's easy to use, it's designed for the town. You know, with a single clerk all the way up to you know, a town of our size. Bangor also uses parts of it. The interface should result in an improved experience for citizens coming in should be a more efficient process. The screens are simpler, quicker to get through, and we think that'll be a positive experience for everybody involved. TRiO support is generally well regarded as being prompt and efficient. And something I didn't include in my memo which I should have, it's an important point. When you compare TRiO with the

equivalent modules in Munis, we will be saving about \$8,400 per year in our annual maintenance cost, which translates into about a six year break even point when you include the purchase price. So, also on the agenda, the agenda tonight was to purchase a program called Caselle. That was the program that the committee evaluated and liked for doing the financial side. But we are asking you to table that this evening. Because we're not prepared to move forward just yet. So, another important point with TRIO, if you choose forward to move forward with our requests for purchasing TRIO. It's important to note that it does not lock you in to any further purchase. trio will integrate fine with Munis. So if you if we come back for the Caselle software and you decide, no, we can we can work with trio and Munis together. In fact, we have to, because we're hopeful to have trio up and running by summer so that we can do tax billing. And we wouldn't even if you even if you did approve Caselle tonight, it's an 18 month implementation. So, we will have to use trio and Munis together in the in the interim. So those are the bullet points I have. I'm happy to take questions and go from there.

Michelle Kaplan

So is this a problem with the support or the software?

Jason Ingalls

Yes.

Michelle Kaplan

And the support is from Tyler?

Jason Ingalls

the Tyler Tyler is the company they Munis is their product. And

Michelle Kaplan

Munis is the product. So they're nobody else administers or does tech support for Munis.

Jason Ingalls

That is correct.

Michelle Kaplan

And is there a per licensing fee, for example, you know, a number of units you're allowed to have, for example, you know, a lot of places might have 100 licenses, but 200 employees, so 150 employees logged on at same time 50 are going to get automatically logged off, is there a per license?

Jason Ingalls

Does trio have the per license? Either way it's factored into our into our price. So they do what they call a networking fee and has unlimited number of licenses, unlimited licenses.

Michelle Kaplan

And if they have upgrades or updates. Is there any cost per upgrade or update?

Jason Ingalls

No addition costs for standard. We're paying 11,000 ish a year for that maintenance and support. That includes the updates.

Michelle Kaplan

And is there a per tech support? Fee?

Jason Ingalls

There's no that's part of the maintenance and support annual fee. Okay.

Michelle Kaplan

And you said there's no contractual term? No, they're into a three year deal?

Jason Ingalls

No, this is a year to year. And we we may have to notify them within a certain number of days. But yes, it's a year to year.

Michelle Kaplan

But the bottom line is it's the functionality and the lack of tech support by Tyler. That's the issue. Correct? Thank you.

Casey Hanson

So I just think I just want to clarify that I'm understanding it right for Munis for where you're what you're using now you're paying \$77,000 a year for that product. And this one is going to be 60,000 plus 11. That's like \$71,000.

Jason Ingalls

Yeah. So we're actually if we go with trio purchase, you're going to subtract 19,489 from that 77 and add back 11,000. Yeah. Okay.

Casey Hanson

So either way, you're saying this is a better? This is a better, better

Jason Ingalls

program. And we're saving \$8400? Yeah, you other than the purchase. So it takes us six years to make back that purchase costs. Yeah.

Steven O'Halloran

How long? Maybe you don't know this. But how long ago? Did the decision get made by this council to go with Munis.

Jason Ingalls

2000? Well, it was purchased in 2012. So probably 2012. Okay. Yep.

Steven O'Halloran

At the time, were you here at that point? You were okay. So at the time, was that considered the latest and greatest?

Jason Ingalls

It was, it's used by many cities and towns in the state, including Barber, and till recently mountain desert, but they all they're doing, they just did what we're looking to do. Yes. And primarily because it's one of the only programs that it's all in one. They do everything all in one package. Yeah. But

Steven O'Halloran

So in your opinion. And that's really what I'm after here is do you see any danger of jumping out of the stew pot into the frying pan?

Jason Ingalls

No. And that you can't ever predict the future. Right. But but from what we've heard, and what we've seen, we have several employees who've worked with trio before in previous roles. And the majority of people we've talked to we're very happy with it.

Dale Hamilton

So just in terms of of costs. I certainly hear in terms of functionality. What we don't know is caselle. So roughly, what's the purchase price for caselle? And what is roughly the maintenance because that product is factored into the overall savings, you can't just deduct the trio, you have to look at what the caselle so what is that overall cost?

Jason Ingalls

So don't you don't have to tie them together? Because you could come back we could stick with Munis or fine? Well, we could, but we're gonna come back, we need the whole picture. So the caselle purchase, I believe, was around 180,000. The maintenance for that? Is it was it was 50 total. So it was I think it's around, maybe around 50,000. For I didn't print out the Caselle quote unfortunately. However, that might change with what we bring back. The reason we're not there's several reasons we're not coming with it tonight. But part of it is that we haven't decided what we're doing with code enforcement yet. Code Enforcement likes a different program. So we're trying to decide how we're going to bring that to you, and how we're going to work with that. So that changes the pricing.

Dale Hamilton

So So I guess I maybe I'm not understanding it correctly. But if we Caselle aside, if we just say, okay, Caselle it's not even going to be purchased. That's the secondary, we will still need Munis. Yes. And then on top of that, you're recommending to purchase trio.

Jason Ingalls

Correct. But you take out of Munis the functions that trio will then be performing.

Dale Hamilton

So you purchase those by functionality. If it's like a main module, it's module modules. Yep. So that there'll be a reduced cost?

Jason Ingalls

the Munis bill is currently 77,000 and change. You'll take 19,000 off of that by going to trio and then the equivalent trio maintenance for that is 11,000. But the difference the difference being about \$8,400. So your annual maintenance, going forward, if you stayed with Munis is at \$8400 less than it is today.

Dale Hamilton

And those modules that Caselle would provide, how, how robust are those in Munis?

Jason Ingalls

How are worse are they in Munis or how compared to me? Compared to Munis, we were all very impressed with Caselle is a I guess I'd say it's a simpler program. But it actually meets our needs better than what Munis does. Munis is Munis is used by cities are 10 times our size, right? So it has a lot of functionality that we don't really need or use. And Caselle aligns much better with what we're doing. So it has functionality that we need and become accustomed to and Munis, but without all the other stuff that it's in us that we're not really using. So the functionality and comparatively consolidates everything that we needed to do compared to what we're used to having in Munis.

Dale Hamilton

my last question is, so we're either if we, if we went forward with that, then we're really talking about a more expensive system going forward for the benefit of having a better system. If we purchase trio and Caselle, it's going to be more expensive than Munis.

Jason Ingalls

No. If you purchase trio and Caselle. So this is where the asterisk is, because we don't know what Code is doing code enforcement. If code enforcement goes in Caselle, you'll be saving almost \$20,000 A year over what you're paying under what you're paying now. So if we go with Caselle, everybody else's in Caselle, you factor in the ignoring the purchase cost, just the annual maintenance now is 20,000 annually, less than you're paying today. If code enforcement goes with the software, then you approve that that they would like you're paying a basically the same thing you're paying today. So either option, your annual cost is either going to be the same, or 20,000 less.

Dale Hamilton

I thought you said that, because so I'm sorry, this wasn't my last question. But if you I thought you said the purchase price was 180. So

Jason Ingalls

if you ignore the purchase, so yes, you have to if you that's your annual ongoing cost, so you're purchasing yourself \$180,000. And then there's a must be must be about a \$40,000 annual commitment to that on top of that. So you buy the software, then you have to maintenance and support it for eternity essentially. So when you factor in the purchase cost, I mean that kind of goes out the window, you

Dale Hamilton

return on investment.

Jason Ingalls

It's significant investment. Yes.

Michelle Kaplan

So what's the difference between the maintenance and support fees, versus the professional services fees, which are by telephone \$175 an hour, or 1200 per day, if they have additional

Jason Ingalls

services would be things like, like for the initial purchase, they're going to be doing database conversions and things like that. But going forward, they could do custom development, things like that. So you could say, I need the software to do this specific thing that it can't do now. That's what they would charge you to do that or to create that. So approving trio, and the reason we're here tonight to approve trio without Caselle is timing. If we're going to do tax billing, in trio in August, we need to get trio purchased ASAP. Because do we need to do the data conversion get up and running, and so on. So that's why we chose to come for trio tonight, knowing it doesn't commit you to anything further, necessarily, we can come back to you with Caselle. And you can say no. And we can continue to use Munis for their financial functions, and then do the front counter functions in trio. So that that's a that's a viable option moving forward.

Dale Hamilton

I'm going to steal a statement that councilor Blanchette used earlier and apply it here is I'm not comfortable rushing into a partially developed plan for our software for the city. Given the the amount of dollars, I understand the need to get it up and running. And if we're going to get it, it has to be purchased quickly. But without knowing what the complete package looks like, is code going to have this system? And then we're gonna have three different systems, how will they tie together? What is the actual costs are we going to move forward with with Caselle? It to me it's it's to chopped up, and it would be making a decision that is not well grounded in the full picture. And that's a risk. And so I, for me, I'm not comfortable approving a piece of it when we don't know what the full picture looks like.

Jason Ingalls

I'm not sure I can. I don't this might sound flipped, but it doesn't really matter. The I don't mean they're all going to interact. They're all going to operate independently of each other, right? So the fact that we're doing trio for these certain functions, and these other departments are doing their functions in Munis or Caselle or whatever, it's not going to change the fact that there's going to be a process to integrate them together. It doesn't really change anything, I guess is what I'm trying to say. I'm just trying to think of how I can better explain that. But by doing these things with trio we know what we want to do with trio. There's no There's no wishy washy or questioning on that. The questioning is on the other side is Caselle going to be used for code is open gov going to be used for code. Those don't really change the fact that we want to use trio out front. And they they integrate all of them will integrate together fine. It's not. It's not a complex integration, I guess. In other words, it's really more just about entering journal entries at the end of the day about what your transactions were in trio into Munis. So it's not, it doesn't really matter what I'm trying to say it I just don't know how to necessarily put it in non technical terms.

Steven O'Halloran

Could you share with us perhaps what benefits the employees would receive? Is the daily life going to be better and taking this one step at a time?

Jason Ingalls

Do you want to speak to that, um, you don't have to I can talk. She's used both. So

Steven O'Halloran

I'm just wondering,

Toni Dyer

Toni Dyer city clerk, so I use trio in my previous town. And from a forward facing perspective, I will tell you that if you wanted to compare Jason coming in to do his simple dog license renewal in Munis, he's going to be standing out here with me and Munis, for probably 20 minutes. Logistically, the system does not make sense in doing a dog license. I could do his renewal in trio in under five minutes and he's out the door. In addition, I think there's going to be a benefit to your tax payers. If our tax and clerk departments who many have used trio, you may not have to make two checks out to do this transaction and a dog license. If we can do some cross training you might be able to come in and pay your real estate taxes and your dog license with me and not have to see our tax collector, write one check, come see me and write a second check. So your tax payers are going to see a significant change in the efficiency of their business, while making the employee's daily transactions much easier, much more integrated. Many clerk and tax functions like inland fisheries licenses we do in a program called Moses it integrates right into trio there's no manual entering licenses and putting the wrong dollar figure in Munis. And then we have to figure out at the end of the month, why there's a difference in our in our general ledger accounting. So, yes, it will be easier, there's more integration. And to speak to chair Hamilton's concern, I don't think we're jumping in to something that we hadn't researched. Manager Moshier made the software committee of members of various departments, we have vetted these programs several times. And we've really put a lot of time and effort into this. And regardless of if we choose to stay with Munis for Financials work, or Caselle or a little of Open Gov and whatever, trio has not changed. And software committee as a whole thinks that it's the best option for the forward facing transactions that are done citywide.

Michelle Kaplan

And you said that the programs will talk to each other? And, yes, integrate the information so that if somebody's doing a transaction in Munis, that information will integrate automatically, or you have to manually enter it into a Trio.

Jason Ingalls

It will be a manual process there, there's the possibility of automating it. But initially, at least, depending on what we're going to do, you know, we don't always say Munis wherever we wouldn't automate it. But if we, what it comes down to is essentially, there's going to be transactions in trio your financials are all tracked in Munis or will be. So what you're doing is taking those financial transactions out of trio and doing those entries into Munis at the end of the day, that's a manual process. But it's straightforward. It's, it's a quick data entry going down through a list of accounts that have been changed.

Michelle Kaplan

And how much is that going to cost in labor cost, to have somebody manually entering that information from one program to the next versus having something that automatically integrates it,

Jason Ingalls

it's, so it's only minutes,

Toni Dyer

it'll be limited. And as I stated, with a dog license example, I'll be saving 15 minutes in time doing a dog license and trio versus Munis, which is a 15 minutes that I might spend doing my journal entries at the end of the night for the entire clerk's department. And if I did 7 dog transactions that day, 15 minutes of savings each, I think it's a huge labor savings and I, the clerk's department has plenty of other work to be doing aside from spending 20 minutes on a dog renewal. So I think it'd be very limited. And I think you'd actually have more efficiency and ability to get some of those other tasks done that often as any business is that get put aside because you have more urgent tasks.

Michelle Kaplan

What about Public Self Service abilities, like with the rapid renewal

Toni Dyer

trio is a very Maine specific, they have support right out of Bangor. So when you call them for support, you're not talking to someone in California like you are with Tyler. They're very Maine specific, they have all the motor vehicle already done. In my experience in my previous town, I think it's actually much more efficient than what we're doing right now with Munis and trying to link everything together. So the clerk's department now will have a huge push, if we were to go with trio to be pushing for those licenses online because it's very integrated. They worked very hard to make that efficient through the state of Maine.

Michelle Kaplan

And motor vehicle rapid motor vehicles to be easy and

Toni Dyer

recreation, recreational vehicles and hunting and fishing licenses. They're super easy to integrate with trio

Jason Ingalls

from the end user, those all are done on the State's website anyway. So those you won't see a change and look the same

Marc Blanchette

nine years, I've heard nothing but complaints about Munis. Many times a year, to the point that I realized that Munis was the last name. The first name well, the initial was F for most of the employees, I recall an update two summers ago. over a weekend it was a major update was no problem. It will be done on a

Saturday. You guys came in? It was the update from hell. Yeah, it went well into the next week. And to this day, I don't think it ever loaded correctly.

Jason Ingalls

It that's part of the issue. One of the other issues of Munis is their update processes cumbersome to put it. The other question was what? It's a cumbersome update system process?

Marc Blanchette

You're being polite? Yes. So

Jason Ingalls

to put it kindly, it's, it's cumbersome.

Marc Blanchette

From what I hear about trio. It to me, it sounds like it will work you I trus. Munis? Not so much. So if it's user friendly for the employee, and it gets the resident in and out of here faster, then let's do it.

Jason Ingalls

I think an important thing to keep in mind is it really is designed for the smallest town with one clerk. I mean, it is designed with ease of use in mind. I mean, it really has to be there for towns without even these towns don't have it, you know, within three days before they're waiting for their contract it to get there. So it has to be a system that they can depend on. So it was designed that way.

Gene Lyons

Can it cut positions, in like the city government.

Jason Ingalls

Probably not that good.

Michelle Kaplan

Well, you said they don't have IT.

Jason Ingalls

Give it a shot.

Dale Hamilton

In terms of the so as the module. So if you go with trio, you'll scale back on Munis, yes. Where does that data? You don't need to retain the licenses that data preserved? How do you retain that so that you have access?

Jason Ingalls

So? Yeah, you're like, Where's, where's the data and units gonna be once we move forward with?

Dale Hamilton

Do you have to? I guess, is it is do they? Do they export that in a usable format? Do you have to transfer it over into the new system?

Jason Ingalls

Yes. Well, so yes. And yes. So trio is going to bring forward tax account balances, a lot of the history, or all of the history won't be coming over. So we will be doing a manual process where we archive that history in a different format. So you don't we're not going to be relying on newness to exist to look at that historical data. So trio is pulling over customer account balances as they are, and then the historical stuff will be archiving separately. So it's a two part process to party.

Dale Hamilton

And how long will we hold on to the full Munis do you need to?

Jason Ingalls

I don't know what legal maybe? Well, for the, it depends on when or if we get rid of Munis, if we end up keeping it, that data can just exist in the database forever. But most likely, if we go to a Caselle, or an Open Gov, he won't stick around long we'll we'll get we'll get a lot out of out of there what we can, and then it'll be gone. Because what's gonna happen is there's gonna be an update to Windows Server or something like that. So it's kind of stopped working. So we need to be sure we have anything out of there that we need as soon as possible.

Marc Blanchette

Mr. Chairman, moved to approve the request of the finance director to purchase the trio software from Harris local government, in the amount of \$60,290.85. funding for the project to come from

Jason Ingalls

the account number 170 Dash 52049. And that is those funds are from surplus funds returned by the school department. Thank you.

Dale Hamilton

Second by Casey Hanson, motion, second, further discussion? All those in favor? Unanimous. Thank you. Anybody want to make a motion to table 14?

Marc Blanchette

So moved.

Dale Hamilton

Motion to table is there a second?

Michelle Kaplan

Second.

Dale Hamilton

All those in favor to table item 14? Unanimous item 14 is tabled.

#15 Council Order #011003 Request of the Fire Chief to apply for a FEMA grant for staffing for adequate fire and emergency response of career firefighters

Item 15. Council order number 011003. requests of the fire chief to apply for a FEMA grant for staffing for adequate fire and emergency response career firefighter.

Scott Guillerault

Mr. Chairman, members of council thank you. I come to you today to ask a request to apply for the FEMA safe staffing for adequate fire and emergency response. This grant opened up on January 3, we didn't receive notification until after Christmas that it was opening which is why it was not presented in December. This year. In years past The safer Grant was a cost share program for staffing. This year is a zero cost share, the program will allow us to, to add additional firefighters to our to our force downstairs, the period of performance is for three years. At that point, the city would take on the additional funding at the end of three years. What we're looking at is if we are awarded the grant, the period of performance starts 100, up to 180 days after we are awarded. The award looks like it's going to be in the summer of 22, which means we would have we would have upwards until January of 23 to hire personnel. We're only requesting three. With that being said the three years from that point would put us past would put us past the point they were talking about potentially getting into the EMS environment. Now,

Marc Blanchette

Scott, what was the last part?

Scott Guillerault

The EMS? Thank you? Well, we haven't made a decision yet as to whether we're going to pursue that or not. What we're seeing downstairs on the floor and I'll use today for an example. The shift that's on today is supposed to be a five person shift. Today, it's down to three. That is not enough firefighters, we they can't do any firefighting. As soon as they roll out the door. There's two in two out rules that say that I have to have to fire two interior firefighters inside a building. And I have to have two firefighters outside. That's four people not including the pump operator. So that's five people. I've got three guys on the floor right now. I have five paid on call members and only two are interior certified. I can't guarantee they're going to be there. So we're at we're at an extreme need, where I need bodies on the floor. I've shared with you some data, the call volume has dramatically increased over the past eight years, tremendously. This this year we did we closed out 2021 with 1619 calls. Over 1200 of those were EMS related calls. That's not going away in every year. As you can see it has gone up every year with a number of EMS responses. Fire responses have stayed about the same. But when we added EMS to the system, our call volume is now going up and up and up. So my request is to do is to add three additional firefighters to the floor. And hopefully that will help us in the future as putting people there.

Marc Blanchette

This is a three year grant.

Scott Guillerault

Yes, sir. Three years. After that the city would would look at taking on those salaries. So with the safer grant covers, it covers the salaries. It covers the FLSA overtime. But it doesn't cover the additional overtime that's related to so if they came in at work and overtime shift to cover a sick a sick day, the safer

grant wouldn't cover that. But right now we're already paying, we're paying a tremendous amount of overtime, because we don't have the staffing.

Marc Blanchette

So it would be three years from now. Roughly call it \$250,000 additional roughly.

Glenn Moshier

And then the EMS is really much driving this need personnel when you have two people going on on the EMS call, even if you have four on staff, that only leaves you two. And we've had multiple situations where we've had multiple EMS calls when we got our entire fire crew going on separate directions for EMS calls at the same time leaving us literally no, no fire protection. So as we continue to provide that service. And as certainly as we look to maybe expand the level in which we provide that service. The additional personnel is absolutely mandatory.

Dale Hamilton

I think just this is pretty instructive in terms of look at 2016, 27 calls for EMS, and in 2021 1251 calls. If you go to 2018 it was up to 121. But you can see the difference and I just think it's important for the community to have those numbers that it's a dramatic increase that is going to continue whether we are doing providing EMS services as a city or not that that trend is very clear.

Michelle Kaplan

This was largely driven by the licensing, because you guys are EMS or basic, correct. And in order to maintain that license, you had to send a firefighter, or an EMS certified person on every single call. Correct, versus giving up that license, correct. And the reason that we were looking at the EMS service itself, is because of the wait times for EMS services, advanced life services.

Scott Guillerault

So again, if we take a look, part of that supports, were 94 square miles we run, we have some shifts that could potentially be staffed up to five people. Based on what you guys have done in the past for us. We covered 94 square miles, five foot, one engine all the way to the other side, over at the datum line, and then I have another call downtown. And there's no one there to respond. How, what do we say to the public? It's hard. And we've added additional, we cover Fletcher's landing, that's an additional 15 more square miles that we covered and adds an additional 15 calls per year, it's what the average is. So the call volume is going to keep continuing to go up. And we could have an engine on one side of town and then be split by having another call over here. And, you know, a month ago, we had a crew out on Mariaville road handling an incident and we had a car fire almost at the Dedham line. And there was a 15 minute response for them to get out there because they have to leave there to go there. Now, the nature of the business is, we can only handle one call at a time. But when we're at such a when, our crew is so reduced. At that point, that's a long time to wait. When something's happening. Now that's for a fire. What happens with a medical emergency, they've got to wait 15 minutes and then add waiting for EMS transport. Whoever's coming in

Dale Hamilton

FEMA doesn't require the city to continue it past the three, that that's there's not a is there an obligation? So no, it provides. I know, one of the arguments will be well if you bring staff on you'll never let them go, but it gives us three years of paid support. And for us to be able to collect data to determine do we need those those positions or not. And that's the reality is that three years from now, that assessment can take place to determine whether that's needed. But it provides us with with funding to do that, correct.

Michelle Kaplan

And part of the reason that this just seems to make sense to me, because we were already looking at doing EMS service because of the incident that happened with a patient who lived less than a half a mile from the fire department. And the fire department at that time was not able to respond because of agreements with a certain ambulance company. And that call was dispatched incorrectly. And that patient waited 45 minutes and ultimately bled to death when she lived only a half a mile from the fire station. And that's why we're looking at doing the EMS in the first place. And so this is something we're already considering. It just seems to make sense to me.

Dale Hamilton

Councilor Blanchette?

Marc Blanchette

Chief do we have the room to house them?

Scott Guillerault

Currently, we do. We've made we've taken what was utilized before for the private service that was here. We've taken We've reorganized that bunk room to be able to support that.

Marc Blanchette

Those bunk rooms you know, so small, yes.

Dale Hamilton

So you can have height requirements.

Marc Blanchette

I think we've already waived the height requirements. Okay, I just wanted to make sure that we didn't hit a snag down the road that Oh, damn, we didn't think of this.

Robert Miller

And also, three years from now, hopefully, we will be starting an ambulance service. But we can have some revenue to help pay for these firefighters ourselves as well.

Scott Guillerault

If that's what we decide to do. Yes, yes. Yes.

Robert Miller

And we are currently paying a service right now to which was only going to go up in the future as well.

Marc Blanchette

Mr. Chairman, moved to approve the request for fire chief to apply for FEMA grant for staffing for adequate fire and emergency personnel of the career firefighters Second by Miller.

Dale Hamilton

motion is second, any further discussion? All those in favor? Unanimous. Thank you. And you're the next item

#16 Council Order #011004 Request of the Fire Chief to apply for a FEMA grant for staffing for adequate fire and emergency response for the recruitment and retention of volunteer firefighters

Item 16. Council order number 011004. For requests of hire chief to apply for a FEMA grant for staffing for adequate fire and emergency response for the recruitment and retention of volunteer firefighters.

Scott Guillerault

So much is the same as the last item for the staffing for adequate fire and emergency response. When we went through the hiring process with me, you made it very, very clear that you wanted to rebuild the paid on Call force for the Fire Department. We're slowly working on it. I've added two here in the past. Well, I added to this weekend, I have another one currently that we're working on. And they will all go to the Fire Academy in the spring. There's costs that are associated with every person that we bring through, there's a cost that's associated with it. So much is the same is this is the same grant. But this is geared specifically for the recruitment or retention of volunteers. And that means that it allows us to build out a program that involves both onboarding, and includes giving them physicals and includes buying turnout gear for them. turnout gear is roughly about \$3,000 a set. It also includes training them, which means sending them to the academy, sending them to EMT training, if we so deem it all that money, whatever, whatever we set up in the budget. FEMA will reimburse us that those monies that we spend on the volunteer or what we do for the marketing aspect, if we decide we're going to do a robust marketing plan to recruit these these volunteers into our system, they will reimburse us for the monies that we spent based on what we set up for a marketing plan. And just to give you the history from when I went through the hiring process, I just came out of a system where I was the recruitment or retention coordinator for a county fire service, we were operating with \$910,000 grant, over a period of four years to bring on 80 volunteer firefighters. When I left, we had already brought off brought on approximately 40 in a two and a half year period sustained. We had on boarded probably 75 to 80. But we retained about 40 of them between to two different departments. So it's a valuable asset when the federal government is offering us the opportunity help offset the cost of what it cost to bring a volunteer on. And so what I would like to do, and there's there's two ways that we can go out this we can do it as a sole source entity is as Ellsworth fire department, or we can do a regionalized grant with the surrounding volunteer communities. Because FEMA is looking very highly at regionalized grants. And so to be able to bring on Trenton and Lamoine and Surry, and Hancock into the mix would allow us a better opportunity to do a more in depth recruitment process for everybody. Which means when we need help, we have the resources to do so whether it's mutual aid departments coming in with better trained and more personnel or for our own us as an entity, having more available personnel being able to respond to these calls than we don't have now.

Steven O'Halloran

So, in your experience, does this money flow freely from the federal government, or are we going to hear about that. They were supposed to do this and didn't do it.

Scott Guillerault

No, there's a process. You do a reimbursement request. And as long as you meet all the criteria and submit all the information back to them, they will reimburse you your amount that you spent.

Steven O'Halloran

Is this a three year program like the first one we talked about?

Scott Guillerault

It can be anywhere from two years to four years, depending on what they award you for. So typically, the regionalized grants that can be up to four years that they will cover.

Michelle Kaplan

And this motion is just to apply for the grant, right? Yes. And there's gonna be 500 grants awarded,

Scott Guillerault

Roughly but the way these grants are awarded is there are certain percentages that are allotted to straight volunteer departments. There are certain amounts that are awarded to combination departments and there are certain amounts. Well, it wouldn't involve career departments because they don't have volunteers, but it's percentage based. And so the biggest thing that they're looking for is those regionalized where you've got a large community base that's looking to increase their volunteer base,

Michelle Kaplan

and the total budgeted amount for all the grants combined is 560 million correct. Now, will it be divided up based on the cost for a specific region? For example, a firefighter coming on in let's say, Long Island, New York is going to be a lot more expensive than a firefighter coming on in Ellsworth, Maine.

Scott Guillerault

It's not really it's not regionalized as far as what the costs, what the cost is going to be, if that's what you're asking. So, now it's very specific, is that they are going by what you establish in your budget. And that's how they typically awarded and so they may reduce the amount that you're requested for depends on how peer review goes when they review that application.

Dale Hamilton

Is there a motion?

Casey Hanson

Motion to approve the request for the fire chief to apply for FEMA grant for staffing for adequate fire and emergency response for recruitment and retention of volunteer firefighters.

Robert Miller

Second

Dale Hamilton

motion a second further discussion? Councilor Blanchette?

Marc Blanchette

I'm one step ahead. Yeah.

Dale Hamilton

Seeing no further discussion. All in favor. Thank you. Thank you.

Marc Blanchette

Mr. Chairman before we get on to that, we've got three lengthy discussion items coming up. And I see the people from the Maine organics are here, rather than put them through three more lengthy. Could we move their item up to the next item?

Dale Hamilton

You're assuming they're not enjoying themselves? I wouldn't want to know if all of you want to make a motion of that and we can formally move it.

Marc Blanchette

That was the motion.

Dale Hamilton

Okay. Is there a second?

Michelle Kaplan

Second

Dale Hamilton

All in favor of moving that item up to the next item we discussed? Unanimous.

#20 Discussion about the odor coming from Maine Organics 13 Industrial Road Ellsworth affecting all of the industrial park businesses. – Sponsored by O'Halloran

So we are now discussing what is on our agenda is number 20 discussion about the odor coming from Maine organics, 13 Industrial road Ellsworth affecting all of the industrial park businesses. Turn it over to Councilor O'Halloran.

Steven O'Halloran

Thank you, Mr. Chairman. Shortly after I was elected to the council, I had several businesses complaining to me about the odor coming from the Maine organic farm if you will, of lack of a better term. And I reached out to Josh Wellman in front of a couple of them that were at my office complaining and said, Look, I want to put this on the agenda for a discussion. And really what I am looking for is some balance between the odor affecting the other businesses in that area. And I don't want to cause anybody any harm. Okay. So

in in Maine organics case, I'm sure they've invested monies, and I'm sure that they've had challenges and etc, and problems. And I'm new to this council. And I thought it was worthy of a discussion. And my, my position is this I you know, if this were farmland in Pennsylvania, it would be more accepting then this quote unquote, new main organics that is moved in beside these other businesses. I'm not looking for a solution tomorrow. I'm not looking to hurt anybody. I'm just looking to maybe find some ways through discussion, that this could be handled a little differently, you know, with a plan that. Again, you know, is there Can we somehow find a plan that that this could be a balancing act among those businesses there? In the next year or two, not, we don't want to, in my opinion, we don't want to hurt anybody. But it appears that I've had enough people come at me about this, that it's certainly an issue. So I thought it made sense to bring this for discussion. And hopefully find a way to balance Maine organics interest with the other interest in that park and stop trying to hurt. We're not trying to hurt but stop causing hurt through this process. I don't know if that's possible. But the last thing we want to do is or that I want to do is cause harm to Maine organics. In trying to satisfy the other businesses, there's got to be some sort of a solution to the problem.

Marc Blanchette

Let's see what they have to say.

Steven O'Halloran

What can I finish?

Marc Blanchette

Well, yeah, you can make you geez you kept repeating yourself.

Steven O'Halloran

I can't drive that point home enough that

Marc Blanchette

Yes you can.

Steven O'Halloran

that I just don't want to cause harm to you people. But at the same time, causing harm to other businesses is problem. you Okay.

Marc Blanchette

Are you done? Okay, then I am fine.

Connor Wellman

Okay, so, um, I'm Connor Wellman with Maine organics, Josh Wellman son. He couldn't be here tonight. And this is my grandfather, Mike Wellman here with me Maine organics as well. So as far as the odor goes, I guess I'll just go over what we've done so far. So basically, our first I'll say that, Oh, I think the odor definitely comes from both the sludge compost and the seafood compost. I don't think it comes from just, you know, the sludge or the seafood. And what we've started to do lately probably in the past three to four months is we've we've gotten sawdust, from Pleasant river lumber pine sawdust to basically cover

our win rows. And I think that it's it's definitely helped. And just recently, in the past two weeks, I've gotten actual wood chips, from Eagle, arboriculture, in Trenton and those seem to work a lot better because they're actually already cooking. So they smell they smell good. And if the piles if the piles go un touched, and they're covered, I don't believe that there's, there's any odor, but where where the odor comes from is when you know we're composting. So we have to, we have to break the piles open, we have to screen them. When we mix the compost, you know it smells and, you know, it's a compost yard, and we're gonna have some odor, but we're definitely working you know, to, you know, lessen the odor. And in the, in the future, I think what we're going to look into is setting up an odor control system along the wood line of our neighbors. Of course we need we have to look into the what it's gonna cost us, but I think that would probably eliminate the odor if that comes to that.

Michelle Kaplan

I was driving a friend of my son's on the Mariaville Road. And I caught a whiff of something on the way out that when I dropped this friend off, coming back the odor just driving by was enough to bring watering eyes, and I literally was gagging. It smells like you left your seafood out in the summer and your garbage bag and like the worst smell I've ever smelled. But that was specifically at about like, five ish in the evening. Four or five in the evening. Yeah. And is that the time of day that you're turning this stuff? Or?

Connor Wellman

It depends. So what what we've started, I mean, we've probably been doing it now for I want to say five months, we you know, whichever way the winds blowing kind of depends on what we're going to do. So if the winds blowing away from the industrial Road, that's when we try to mix or, or flip or piles because you can you know, there's no there's nobody up to industrial ways. I've never I've never smelt it up, up to where the first houses All in one ad. Yeah, no, this is just me driving by. Yeah. Yeah. And you're gonna, you're gonna smell I mean, we could have been flipping a seafood pile. We could have been mixing that day in the wind was blowing towards 180.

Michelle Kaplan

So could that be done at night when the other businesses are closed.

Connor Wellman

That's been looked at. Yeah, we've we've thought about that.

Dale Hamilton

So I think Councilor O'Halloran like you, I think it's good point. It's, it's, it's one of these, I think it's worth the discussion, because it's a complex issue. It's not unlike noise issues that we hear. You know, it's that balance always, of just trying to create a city and supporting the different types of businesses and residents and and striking that and I'm hearing that you're you've recently implemented some changes that you're Oh, it sounds like you're very open to that kind of feedback and, and hearing from the community in terms of taking steps and seeing if those work. And I think like anything, it can't happen necessarily overnight. But it's that progressive and openness to have a conversation with the surrounding community. And I'm hearing that you're open to that that kind of ongoing dialogue.

Connor Wellman

Yeah, for sure. Yeah.

Michelle Kaplan

literally overnight is, you know, if the other businesses are closed at night, and the peak smell comes when it's turned and screened, perhaps switching your hours to evening hours when the other businesses are closed, would provide relief for them, but keep you in business.

Connor Wellman

Yeah, and we've definitely looked into that doing all of our mixing, screening. You know, flipping the wind rows at night. The only thing I would worry about is you know, if I mean, I guess the smell could linger into the day, but anytime that our piles have been win rowed and covered with either the sawdust from Pleasant River, lumber or the now the wood chips from Trenton is really not much odor. I mean, it's very minimal. So

Mike Harris

Mike Harris Ellsworth wastewater. So I just want to shed a little bit of light on this subject because I actually had a meeting with Glenn and Josh Wellman, the owner. So you're really talking about here's two two issues that you're having here. Two things that they primarily dealing deal with up there is biosolids that come from my plant, and seafood that at the beginning was just from Maine shellfish. But now their seafood waste intake is grown exponentially, correct? Yes. Yeah. So where are they used to take Maine shellfish stuff, and they do a 30 yard container, let's say a week. Yes. Now they're doing a 30 yard container a day. Okay, now anybody that's been by Maine shellfish in the summertime, especially in years past, when they weren't disposing of their stuff very well knows that. It smells awful. So part of what happened when they built the compost facility is one of the benefits of that compost facility being built other than taking our biosolids is that they stopped Maine shellfish from dumping their shellfish waste at our transfer station, which smelled awful and destroyed our compactors over time, because it's very corrosive. So there's two things there one, the smell that they're smelling now was probably more prevalent, but it was always there at the transfer station. We've just transferred it from the transfer station or part of it to the compost facility and save the city's transfer station from smelling awful and destroying its compactors. The second thing you need to look at in is that when you make compost, you basically need what we send or waste product from they use from the seafood companies. And you need a carbon source which in in in their case, they were using sawdust shavings from Jackson lab. That was the other benefit of them opening their compost facility here in Ellsworth, is that save save Jackson lab from having to ship it to unity and they were able to beneficially reuse it at the compost facility and elsewhere. The issue that you have along with the odor is birds. Well turns out the shavings that they get from Jackson lab are from the mouse pens, and they feed the mice and the mice, but they feed the mice, some of his grain. Apparently seagulls are very fond of grain. So when they were covering their piles with sawdust, from shavings from Maine shellfish, the birds, would have a field day that they loved it. So Josh said, one of the things they've looked at and they're doing is they have noisemakers up there that were specifically designed to scare birds away. They fly fake Falcons up there to try and keep the birds away. And they're actually looking at hiring a falconer to bring a real Falcon up there. And then, they're also at some point, possibly looking at putting a monofilm grid over so the birds can get to it. So that's very productive on their part. And then in terms of the odors from the compost facility itself, from the seafood or from the

biosolids. They've started bringing in sawdust and other products from other sources that doesn't contain grain, to be able to cover this stuff and not have the birds flock to it to help contain the odors. But what he's saying is very correct, because what they're composting is waste. And it smells. Not all the time. But definitely in the process of making compost, there's going to be times when there is an odor that is generated not unlike transfer facilities, not unlike dumps. I mean, I remember driving up 95 by the Coldbrook, exit. Jesus, what did I just run into, because they had the open landfill there. And so I think we're all very clear that the city doesn't have an odor ordinance. DEP has to take care of it to DEP DEP licensed facility. And I think they're making efforts and continuing to make efforts to resolve the issue. But I don't think we're ever going to get to a baseline point where there's no odor there. So I just want to be very clear about that. Also, I believe it's their intent not to take our biosolids after this contract over contracts over. Right, right. Which is a very big problem for us. Just so you know. Because the other facility in Maine, that compost is also looking at shutting down over P FOSS issues, which I don't want to bore you with the details on but there's a constituent in biosolids that has caused problems in Fairfield and Arundle and a problem that compost companies are having is now that that's become a public issue. People are more reluctant to use their product. Because mainly what this compost is used for is construction companies. If somebody comes in, they do a major road project, and they have to re plant medians and things like that. They take compost from a facility like this, they bring it they mix it with sand and whatever make loam out of it. And they use it in the medians plant re plant grass and stuff because it grows great. stuff is amazing when it comes to growing anything. So just to put it on your radar, I think they're making good faith effort, I want to be able to step up here and say that to you, because I met with the senior manager and I met with Josh Wellman. And I wanted to make sure I covered everything else are doing because not all of it was covered. And also to let you know, that we need to figure out what we're gonna do with our stuff. Because we produce a lot, and it's a huge revenue stream for the city. So for anybody has any questions

Dale Hamilton

for another day?

Steven O'Halloran

That's all I just would like to ask. Is there a happy medium other than? Is there like, I went to your facility, the wastewater facility and there's less smell there than there is at this composting facility. Now maybe that's common. Okay. But is there a chemical that can be used? Is there a and furthermore, it was stated and I read earlier that you were elected not to renew your contract with the city of Ellsworth. Is that going to reduce some of the smell? Is this harming you?

Connor Wellman

is it harming us to...

Steven O'Halloran

to eliminate the city of Ellsworth contract. What is that going to do?

Mike Harris

If you stop taking sludge

Steven O'Halloran

stop taking the city's sludge is that is that gonna cure a problem?

Connor Wellman

No, because we're still gonna have smell from the seafood compost. Okay, even if even if it was just even if all we composted was seafood, we're still gonna have some, some odor, but we're just trying to minimize it as much as we can.

Steven O'Halloran

And the reason to stop taking the city's materials out, yeah,

Mike Harris

thank you people call it sludge, but it's not sludge.

Steven O'Halloran

Okay. All right. Well, the reason for stopping taking that is, it's not a helpful product is hard for you to market because it's hard waste.

Connor Wellman

Yeah, it's definitely it's gonna, I think it's going to become harder to sell with the, you know, the P FOSS. And but I guess I that could change. It could.

Mike Harris

I mean, basically, it's a, it's a business decision for them at this point. They don't want to be stuck with piles of compost, they can't move because people don't buy it. So if at some point, something comes along, that helps them market it better, and they stay in the market. The point I would make is, if they were to stay in the market, but we said hey, we're not going to send it to you, because we don't want to contribute to the other problems. They're gonna take it from somebody else. Because there's people knocking on their door right now trying to get there. But they're not taking it because they don't know what's going to happen with the P FOSS issue. So they're only taken ours. But Bar Harbor would love to go there. Right? So

Steven O'Halloran

you have concerns that it's it's a troubled market for you.

Connor Wellman

Yeah. As of you know, right now, and that's what the future looks like it entails. But

Mike Harris

and then the last thing I would say is the ultimate solution, that would be probably the best fix. The issue with it is the cost. Because for you to put an odor control system on that operation, would be my best guest half a mil to a million to contain that odor. Because what it entails cover, everything would cover everything, you would have ductwork inside, that pulls all the air out of the building that's covered, puts it through a chemical process to strip the hydrogen sulfide and other mercaptans chemicals out of it, and

then discharge the clean air into the atmosphere. But just it's an exorbitant amount of money. So I just wanted to say, you know, yes, there is a probably a solution that's viable for removing odors are greatly reducing it. That would probably put them out of business. So Mike, just a side note to help the school board's paying attention, because I think we just found our next science teacher that would be used. And thank you for for coming in and presenting. I think it's it's, it was good to have the discussion. I think we're as a council at this point. Anyway, somewhat limited in terms of any action anyway. But it's good to have the issue out there and knowing that there's willingness to discuss.

Kevin Wallace

my name is Kevin Wallace, and I'm on the downwind side of this. I have a huge investment in this town. And it's killing my business. The smell is horrible. I don't care what time you talk about only when the piles are turned over. I went there Saturday night at seven o'clock and was sick to my stomach at my door that's not right. I've gone all the avenues I've been to the council. I've been to the DEP I've been to everybody. I see no change in what's going on. The smell is horrible. My grandkids won't come to my business because they don't want to deal with smell. They don't even wantt out of the car. Your clothes stink. Your vehicle stink. It's not right. I'm sorry, but it just is not. And if I'm on the back, I guess I'm on the downward side of it because I get it every single day. Might not be every hour, but I get it. Birds, are horrible so they shoot them off. They fly around and they shit on everything. Vehicles, buildings, whatever there is. The other issue is rats. I have a extermination company have had there for 20 years, they are going up on my costs because they are having to increase their stuff to keep the rats out of my building. I don't feel that that's something that needs to be in a city area with a smell. You can't drive up 180 You smell it. It's a nasty smell. It really is nasty. I don't know where else to turn how else to go. I guess that's why I'm here. But it's not very good. And the DEP guy told me the other day come down is yes, you don't smell it all the time. But when you smell it, it is foul. And when you go home, and it's in your clothes, in your, I have I store household furniture in there. If I have your furniture in my building, do you want it smelling like that? No. We keep we make efforts to keep the doors close. Because of all this, we still have the smell, you know, I have customers who come to my building, get out of the car and say oh my god, what is the smell? I have a rental property. And they are a wireless communication company. They do a lot of work outside to prepare their site towers. They're not doing they're doing it inside just because of the smell, or at their other facility that they have here in the state. I would like not to see change in a year from now. I would like to see it soon. It's been going on long enough. For this. I don't see any difference between the Jackson lab. So I haven't seen a I don't see any difference. I really don't in the smell it's it's horrible. And I don't think you would want it in your backyard either. But if a requires that they have to build a filtration system, then why shouldn't they? Because it's affecting everybody else in there

Steven O'Halloran

I would I don't know really what I'm reading here, but it talks about the business park. 801.3 dust fumes, vapors, gases, odors, glare, or explosive materials are not acceptable. I don't know what I'm reading. Okay. But it appears that there is perhaps some protection for the other businesses. And my question is this

Lisa Sekulich

We would be in violation ourselves with having a transfer station up there.

Mike Harris

Well, before we even go that far, are you referring to the Commerce part of the industrial park?

Steven O'Halloran

It says business park, I

Mike Harris

think it's the commerce part.

Steven O'Halloran

Okay.

Mike Harris

I don't know.

Steven O'Halloran

Well, I'm here to, I'm here to tell you. Well, okay, and and I'm not quoting I said from the beginning that I don't know what I'm reading here. But is there any thought of you eliminating this over time? Do you see yourself operating this in three years? Yes, you do. This is a viable thing for you? Yes. Okay. And and do you see yourself in I'll be honest, I drive by this place twice a day. And in the last two years. I've seen a drastic change. But I just drive by it. It doesn't bother me. But if I had a business beside it, that would bother me. What? Do you see yourself fixing the problem? Or do you see yourself disbanding?

Connor Wellman

Yes, we definitely want to fix the problem. But it's at this point, we're kind of like Mike said where I'd have to put in the whole whole overhead control system is rather costly.

Steven O'Halloran

And you don't see yourself doing it?

Dale Hamilton

Just because Anybody watching, they can't hear unless you're at the mic. Thank you.

Connor Wellman

No, I'm definitely not I'm not saying that we wouldn't do that. Well, that's something that we would have to, to look into.

Mike Harris

I don't think you guys have even did a ballpark estimate or anything on that.

Connor Wellman

No, no, we haven't.

Steven O'Halloran

So, in your mind, the business is viable, and you want it to be there. But we haven't looked at being a good neighbor.

Connor Wellman

Right, yeah, that would be the next step, at this point, is to go to the odor control.

Steven O'Halloran

Are you willing to do that?

Connor Wellman

That's something that we'd have to look into and installing?

Mike Harris

I don't think he's gonna be able to answer that question for you. Because I think his dad will have to.

Connor Wellman

Yeah, that's something that, like, what I'm saying is that that's that that's something that we haven't really like, researched that in depth, we'd have to, you know, something that we'd have to look into.

Ted Williams

My name is Ted Williams, I have fat dog LLC. Most people just know it's William Irrigation systems, but actually have three other tenants up there. Kevin's not wrong. It's disgusting. Councillor Hamilton, I believe you agreed you came up in the parking lot took smell up there. You've seen it. You smell that driving by everybody in this, everybody sitting up there, if you actually took the time to drive over there and smell that when they're mixing, and when they've taken fresh loads. It's ridiculous. I've been talking with his dad and texting him for since 2019. Nothing has changed. It'll get better for a week or two, whatever they're doing, and then they'll mix the piles take another load. It's disgusting. And everybody knows it. We're barking we're up in an uphill battle, because clearly there's benefit to the city to drop the material there. But it's not fair for the rest of the businesses up there. I've been up there for 11 years, and I'm gonna move. I'm done with it. It's disgusting. You know it, never ever. You won't even acknowledge it. It smells most of the time. I've been in contact with the DEP. You know, I talked to the previous city manager about it. He agreed to smell he's gone. I've tried to respond, get ahold of Glenn about it. Nothing's really happened there. But it's really time because you know, it's not fair for everybody that's been up there for years, these guys to move in and make that smell. It's not the place for compost facility, whoever made that decision? I mean, I'm very well versed in what they're trying to do. I have a degree in natural resources. land use planning in my senior project was all soil science and compost. I know what they're trying to do. It's not the place for it. And yeah, I mean, I think at this point, you kind of know it. But I mean, there's no way to remediate that kind of smell. So, you know, I don't know what else to say. But it's been ignored long enough. And the rest of us cannot emit odors out of those lots up there. That's part of the ordinance and those laws, whether they are part of that or not, they still have the same address as the rest of us on industrial road. So I just, it's time to have something done about it. Time to move on. I mean, these guys, you've tried different recipes, I get it. I don't want anybody to. I'm with Steve, I don't think you know, I don't want to see a business get harmed. You obviously use a lot of investments, you used a lot of grants to get that going. And it's maybe it's just not gonna work. Maybe you have to change

your materials. Maybe you can't take a certain input. But it's just, it's ridiculous. You ought to have a little mercy on your neighbors. Thanks.

Gene Lyons

So before the compost with the transfer station there. What was the comparison?

Ted Williams

If there is no comparison whatsoever, I can count on one hand the amount of times I could smell that dump being a problem up there, the transfer station. There is there's no comparison

Gene Lyons

I had a call last summer and I actually went up, drove up. And one of the businesses had some cars they work on. And they had to take the car to Harmon's because of the birds. It was outside for one hour after they worked on it. I had to go down to Harmon's and wash the car for the guy that came to get it because he was appalled by it. So that day, I drove up 180. And it smelled. I went over to 179 drove up and drove up or up RF Jordans pit, you can smell it in the middle of pit. So I decided I went down to the trailhead at sunrise trail. And I could smell it there. And a Girard Goodwin's pit in Franklin and I could smell it there.

Ted Williams

It's the smell lingers.

Gene Lyons

I don't know if it's just certain days, but I was curious. It's really the certain days,

Ted Williams

the cold heavy, like the worst part is, in this time of the year, the cold mornings was still there. You mean you can't breathe my a bookkeeper won't come in. She comes in, grabs all the stuff and takes it back to her house, and works remotely because you can't sit that bad in the building. You get in your truck after it's been sitting there. I mean, it's days, it's not real easy to drive around the windows down on the truck trying to air it out this time of year. The birds, I took a picture the other day of the birds. There's no exaggeration, they had to be 200 Seagulls out there. I sent it to the DEP I send it over to Paul because everybody just ignores the problem. But it's, you know, it's really, it's ridiculous. You have several other businesses up there that shouldn't have to deal with that. You can smell it at the Demeyer field, easily. I mean, there's been multiple complaints about that. So

Gene Lyons

and another business up there told me they had to shingle their roof because it rotted the shingles.

Ted Williams

You know, if it was I could deal with the bird shit if it wasn't for the smell. But it's just really doesn't help the situation at all.

Dale Hamilton

Councilor O'Halloran

Steven O'Halloran

I just like to point out one thing about this is that I think that the businesses in the industrial park have been dealt a pretty significant blow. And, and I, I say it in this fashion. And maybe there's an exception to this rule. But the city sold these lots to these businesses. And they develop their businesses, probably one of them was yours, maybe maybe you didn't buy it from the city, maybe you bought it. Second, I did a lot of whatever. But for the most part, in my view, and correct me if I'm wrong, those businesses were established before this project moved in their backyard. It wasn't like these businesses came and smelled this odor and then bought that property. And then they want it fixed. These businesses were there long before the odor was there. And then the city allows this to happen. And then it affects all the businesses that effectively the city develop that park. So and I don't mean to be mean to the Wellman family by any means. But it just seems really unfair to the businesses that this is allowed to go on. And not repaired in some fashion. Now, I'm not saying demand that it be done today. But you know, there's got to be a sight to the end of this problem here, you know, maybe a year or something that these businesses were there long before this got moved into their backyard. And there's got to be chemicals or something that that you folks could do to mitigate this, this issue going forward.

Michelle Kaplan

Each morning when I'm driving, I see. It takes a lot more than 200 birds, the building right next to the State Police. There's got to be at least 1000 birds every morning on that roof. Because the child development center or something like that, and one day they were up in the air you could barely see you. I couldn't believe how many birds It was literally like that the movie. There were so many birds. And I was just hoping that I wouldn't.

Ted Williams

It's a problem. It's been a problem for years now. I mean so

Dale Hamilton

So I certainly hear the your concerns the the where I sit right now, today because this is the first time it's come before the council since I've been a part of it. So it's the the first presentation of this. What I don't know. And it's not on the agenda anyway for action. But what I don't know is what, what options do we have, if any, as a council to do anything? I just don't know. And I'm not saying we can't. But I don't know what those what those options are. So that for me, that's one of the takeaways is, is there anything that we can do is is the key issue and I understand your concerns? And I just don't know what within our purview in terms of what what options we have. So that's the place that I leave today, wondering what those options might be now that the issue has been raised. But

Ted Williams

yeah, now issues in front of all of you, maybe somebody can spearhead looking into what you could actually do for us up there?

Michelle Kaplan

Well, I think that looking at is there an ordinance within the industrial park that specifically covers odors?

Dale Hamilton

Right, it could be

Michelle Kaplan

safety issues, as well as if there are rats taking up residence.

Kevin Wallace

Rats the size of cats

Lisa Sekulich

there's Rats at our transfer station too.

Dale Hamilton

So anyways, I just say that in terms of I think that's, that's, if there's any action, that's the next action is to get information to have a review of of those ordinances, whatever it might be. We we're not taking any action tonight. And if this is going to go forward, we need more information to know what's within our purview around that. And that's taking into consideration that concerns and moving forward from that.

Steven O'Halloran

Okay. And may I just add as a sponsor, that's really what I wanted, was to bring this before this council, maybe we could ask the city manager to look into what options are there for the city? And make a plan going forward? If you could maybe, um, I can't speak for everyone here. But perhaps we could ask the city manager to look into this the the part that I found here, I don't know if it's truthful or not truthful, you can get anything you want on the internet. But you know, let's let's give due time to this the Wellman family to try and seriously address this issue. But there needs to be an action beyond that. Because it sounds like that. That hasn't been done before. So what options do we have as a City?

Dale Hamilton

All right, thank you. So, councilors, question for all of you. This has obviously been a very long meeting. I know we have at least one item that requires attention. The emergency vehicle repair absolutely needs to be discussed. Is there. Other individuals on this council have sponsored some items? Is there an interest in tabling the other items and making them part of the first agenda items for the for the next meeting? So I'll just raise that for you. At this point, if you want to propose that or if you feel like you want to get into a discussion about any of the other items? I'll raise that as as a question at this point.

Marc Blanchette

I'd like to table the charter commission until next month.

Casey Hanson

And I'm happy to table the discussion to create the workshop I think there'll be quick but it also doesn't need to happen tonight.

Dale Hamilton

We okay tabling the executive session until I think that's an item that can wait it doesn't need immediate action

Marc Blanchette

need to take votes on all three

Dale Hamilton

Yeah, no, I know. I just tried to get a sense of

Steven O'Halloran

my sense is neither either a break or and fight forward. Or I could go either way. But perhaps a break might refresh people but I'll go either way.

Casey Hanson

I'd rather just get done with whatever we're going to do and take a break. And I'm happy to table those things.

Dale Hamilton

And then then the only other item that would be the the public works director that winter stipend table that until next time, and and so the proposal would be to table 17 19 20 and 21 and then we will hear 18

Marc Blanchette

I'd make a motion.

Casey Hanson

I'd be okay with doing 17 Just because Lisa's waited this long and then table the other ones.

Lisa Sekulich

Either way.

Casey Hanson

She got she got so close to the podium. But that's fine. We can table those also. Go ahead, make your motion.

Dale Hamilton

Motion. Is there a second

Robert Miller

Second?

Dale Hamilton

Discussion? All those in favor of tabling? Unanimous.

So we'll table 17 19 20 21 And take up the last item, which is the emergency vehicle repair.

#18 Emergency Vehicle Repair

Lisa Sekulich

Okay, I just have one request, beginning of the agenda next month.

Dale Hamilton

Out of fairness, all of the items that are tabled, they should they should be our first old business items.

Lisa Sekulich

Okay, thank you with public works director, I'll try to make this as quick as possible. Thursday night, right before our lovely storm we got we found out that one of our trucks had an oil leak at the end of the night. The guys were going to come in and stay late to try to get truck working so that we could use it Friday, because at this point in time, we have no spare plow trucks. We have two trucks that we've had approved, they're in the process of either being built or being fitted out it up at HP Fairfield. But neither one of those trucks is here yet. So right now we have exactly the number of trucks that we need to plow all the roads we have. That being said, when they went to go get the part to fix the problem. They talked to Mr. Colwell, because he happened to be at Shop still. And he said that, well, well, well, I understand what you want to do. He goes it takes me 22 hours to do it. And I've done a bunch of them. That's when the boys said, Okay, we will leave it to you. And we will be down a plow truck for the storm. So Mr. Colwell has had the truck since Thursday evening. And he's been tearing it apart. I worked on a Friday and then again today. The problem

Marc Blanchette

there's gonna be another shoe that drops.

Lisa Sekulich

Well, I'm just explaining. So originally, his estimate when we talked to him, or when I talked to him Friday was somewhere in the \$12,000 range, which would put it within Glenn's purview or his approval level. He called me this afternoon and he said that basically as he's been taking the engine apart to get to the oil, cooler housing, which is the problem, or what is the problem. He also found that our EGR cooler, and the turbo is rotted and then some exhaust manifold issues. When he told me all this, it basically comes out to we are at that \$15,000 threshold, he's still in the process of tearing it apart part of those 22 hours he's talking about. Like, what? I don't I need the truck. So anyway, I don't have an exact dollar amount because he's still determining that exact dollar amount. It could be less than 15 can be 14995. It could be 17995. I've since we had this meeting tonight and he called me and we're in the process of fixing it right now. I wanted to come to you and ask for approval for up to I'm going to go high hopefully really high like 20 grand in the hopes that it comes in at 14 but since we're here having the conversation I figured we would get the approval if possible.

Gene Lyons

So you need it. You can't get by without it correct.

Steven O'Halloran

What what years the truck how many miles on the truck company? I was on the truck. What's the value of the truck

Lisa Sekulich

is a 2014? So it's one of our newer old trucks. It has 26,000 miles on it. So not that many well, miles. Huh? Plow miles. Wow. Miles? Yes. That truck is primarily used in the winter. It's one of the ones that has a lesser rotation in the summer. So it's one of the ones that we were hoping to keep for a while. hours, that could be a lot hours.

Steven O'Halloran

tandem axle, single axle,

Lisa Sekulich

single axle with a stainless steel. Do all body on it. Again, it's one of them. newer ones, it's in good shape, structurally for the most part, and it's one that we plan to keep it in. It's not on the list to be replaced for another three or four years I think, and I rotation.

Steven O'Halloran

How much money has been spent on the truck? That's

Lisa Sekulich

not much that truck has not had a lot of work. It's actually been one of our our workhorses for the last few years. Plow or courses. It's the one that rides up and down high street here

Steven O'Halloran

What did the city pay for it

Lisa Sekulich

that was before me 160 Something I'd be my guess. I'm guessing it was before my time.

Gene Lyons

You can't replace it. for under 150.

Lisa Sekulich

We can't replace it for like under 170.

Steven O'Halloran

For a year and a half. Yeah.

Robert Miller

And we don't have it. We can't plow the roads.

Lisa Sekulich

Right. Yeah. We I mean, we ended up doing one of our plow routes this this past storm on Friday with a one ton truck instead of a bigger truck. That's right, and a pickup. I mean, we have backup options, and we obviously are gonna do what we got to do. But we really do need the truck.

Casey Hanson

I would move to approve 20,000 up to \$20,000 to fix the truck.

Robert Miller

Second.

Dale Hamilton

Motion Second. Any further discussion?

Michelle Kaplan

Out of what fund?

Lisa Sekulich

Oh, I'm sorry. Oh, it'll come out of the highway department to vehicle maintenance fund plenty of money. We're good. I mean, I don't mean that

Casey Hanson

with the money to come out of the

Lisa Sekulich

Highway Department Vehicle equipment maintenance fund.

Steven O'Halloran

I just like to say one thing. I know it never comes at a good time. And I know that \$20,000 is a lot of money. However, if the truck hasn't had a lot of consistent problems. You can burn up \$20,000 really easy in about any repair today. And so having said that, it may sound mean but it doesn't sound as mean as what I've experienced. International and the low side is what causes issues.

Dale Hamilton

We have motion a second. All in favor. Unanimous

#19 Adjournment

Motion to adjourn. (Marc Blanchette, Kaplan secon) All in favor? Unanimous.

True Copy attest:

_____ Toni Dyer, City Clerk